

COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION

Project Manager must complete the following information for the Council docket:

CASE NO.

Project No. 152601

STAFF'S

Please indicate recommendation for each action. ie: resolution / ordinance

APPROVE the Extension of Time for Site Development Permit No. 540162, Vesting Tentative Map No. 540163, Public Right-of-Way Vacation No. 576332 and Easement Abandonment No. 576335.

PLANNING COMMISSION (list names of Commissioners voting yea or nay)

Approved by Planning Commission on consent on August 7, 2008.

YEAS: Griswold, Ontai, Otsuji, Naslund, Golba

NAYS:

ABSTAINING:

ABSENT: Smiley and Schultz

TO: (list recommendation or action)

RECOMMEND APPROVAL of the Extension of Time for Site Development Permit No. 540162, Vesting Tentative Map No. 540163, Public Right-of-Way Vacation No. 576332 and Easement Abandonment No. 576335, to the City Council.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP: University Community Planning Group

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☒ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor:

Opposed:

By _____

Project Manager

000601



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 1, 2008

REPORT NO. PC-08-049

ATTENTION: Planning Commission, Agenda of August 7, 2008

SUBJECT: EXTENSION OF TIME FOR THE BOULEVARD
SITE DEVELOPMENT PERMIT AND VESTING TENTATIVE MAP –
PROJECT NO. 152601 – PROCESS 5

REFERENCE: Planning Commission Report No. PC-05-⁰⁶⁹~~052~~ (Attachment 5)

**OWNER/
APPLICANT:** AmProp North Park, LLC (Attachment 14)

SUMMARY

Issue(s): Should the Planning Commission recommend that the City Council approve a three-year extension of time for a previously approved Site Development Permit and Vesting Tentative Map for the development of a mixed-use project consisting of 175 residential units and commercial development in the Greater North Park Community Plan area?

Staff Recommendation:

Recommend the City Council **Approve** the Extension of Time for Site Development Permit No. 540162, Vesting Tentative Map No. 540163, Public Right-of-Way Vacation No. 576332 and Easement Abandonment No. 576335.

Community Planning Group Recommendation: On June 17, 2008, the Greater North Park Community Planning Group voted 11/0/0 to recommend approval of the Extension of Time with no conditions (Attachment 13).

Environmental Review: The Negative Declaration No. 49662 that was prepared for the original project remains in effect. There are no significant changes to the project scope and the request for an Extension of Time would not result in any environmental impacts. This activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

Fiscal Impact Statement: None. All of the costs associated with processing this application are paid for by the applicant through a deposit account.

Code Enforcement Impact: None.

Housing Impact Statement: According to the Greater North Park Community Plan, the site could accommodate between 80 and 144 residential dwelling units. In order to achieve 175 residential dwelling units onsite, the applicant has elected to meet the requirements of both the Inclusionary Housing Ordinance and the Density Bonus requirements by including an onsite affordable component. As allowed by the Inclusionary Housing Ordinance, the applicant has the option to provide either for-rent or for-sale affordable units, the number of which is dependent on the affordability level provided, as outlined in the attached Site Development Permit conditions (Attachment 9).

BACKGROUND

The 1.54-acre site is located on the north side of El Cajon Boulevard between Florida Street and Alabama Street, in the CL-1 and MR-800B zones of the Mid-City Communities Planned District Ordinance, the Transit Area Overlay Zone, the Residential Tandem Parking Area Overlay Zone and the FAA Part 77 Noticing area, within the Greater North Park Community Plan area. On March 10, 2005, the Planning Commission voted unanimously to recommend approval of the project to the City Council. On April 19, 2005, the City Council voted unanimously to approve the project as proposed per Resolution Numbers R-300344 and R-300345, filed in the Office of the City Clerk, approving a Site Development Permit, Vesting Tentative Map, Public Right-of-Way Vacation and Easement Abandonment for the project site.

The previously approved project allowed the demolition of existing structures and the construction of a seven-story, mixed-use structure with 180 residential units (including seven live/work units) and two commercial units. The project also included 308 structured parking spaces and the provision of onsite affordable housing units, as described in detail in the attached Planning Commission Report No. PC-05-052, dated March 3, 2005 (Attachment 5).

Substantial Conformance Review:

On September 12, 2006, the applicant requested a Substantial Conformance Review (SCR), which was approved by Development Services on October 18, 2007. This SCR allowed a reduction of five residential units, for a total of 175 units where 180 units were previously approved and allowed 96 one-bedroom units where 60 units were previously approved and 72 two-bedroom units where 113 were previously approved. The seven live/work units and two commercial units would remain part of the project. This reduction in units resulted in the removal of one story, creating four residential stories above parking where five stories were previously approved. The unit reduction also created a new parking requirement of 267 spaces where 304 spaces were previously required. The applicant would provide 278 parking spaces, which is 11 spaces more than required.

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The SCR also included a clarification of the inclusionary housing requirements for this project. The original Site Development Permit included a condition that the applicant provide 27 for-sale affordable housing units, to be available to households earning between 100 and 120 percent of the Area Median Income (AMI). The approved SCR clarified that the applicant could also satisfy the affordable housing requirement by providing for-rent affordable housing units to households earning between 50 and 60 percent AMI. This option is allowed under the Inclusionary Housing Ordinance and was reviewed and approved by Development Services Affordable Housing Expedite staff and by San Diego Housing Commission staff.

The Site Development Permit and Resolution and the Vesting Tentative Map Resolution included with this Extension of Time application have been updated to reflect the approved SCR described above.

DISCUSSION

Project Description:

The requested three-year Extension of Time would allow the owner/developer an additional three years to record the Final Map and begin development of the Boulevard project. An Extension of Time application limits the City in its review. No new conditions or modification of an existing condition may be attached to the approval of an extension, unless new conditions are mandated to comply with state or federal law or are necessary to protect the health and safety of the residents of the proposed subdivision or the immediate community.

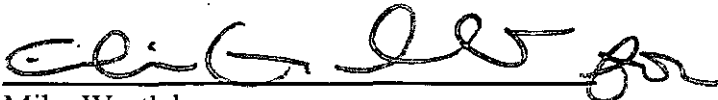
Conclusion:

The approval of the requested Extension of Time would allow the owner/developer an additional three years to develop the project. Staff has determined that the required findings can be supported and recommends that the Planning Commission recommend approval of the project to the City Council.

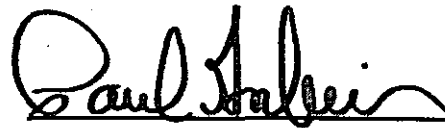
ALTERNATIVE

1. **Deny** the Extension of Time for Site Development Permit No. 540162, Vesting Tentative Map No. 540163, Public Right-of-Way Vacation No. 576332 and Easement Abandonment No. 576335, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



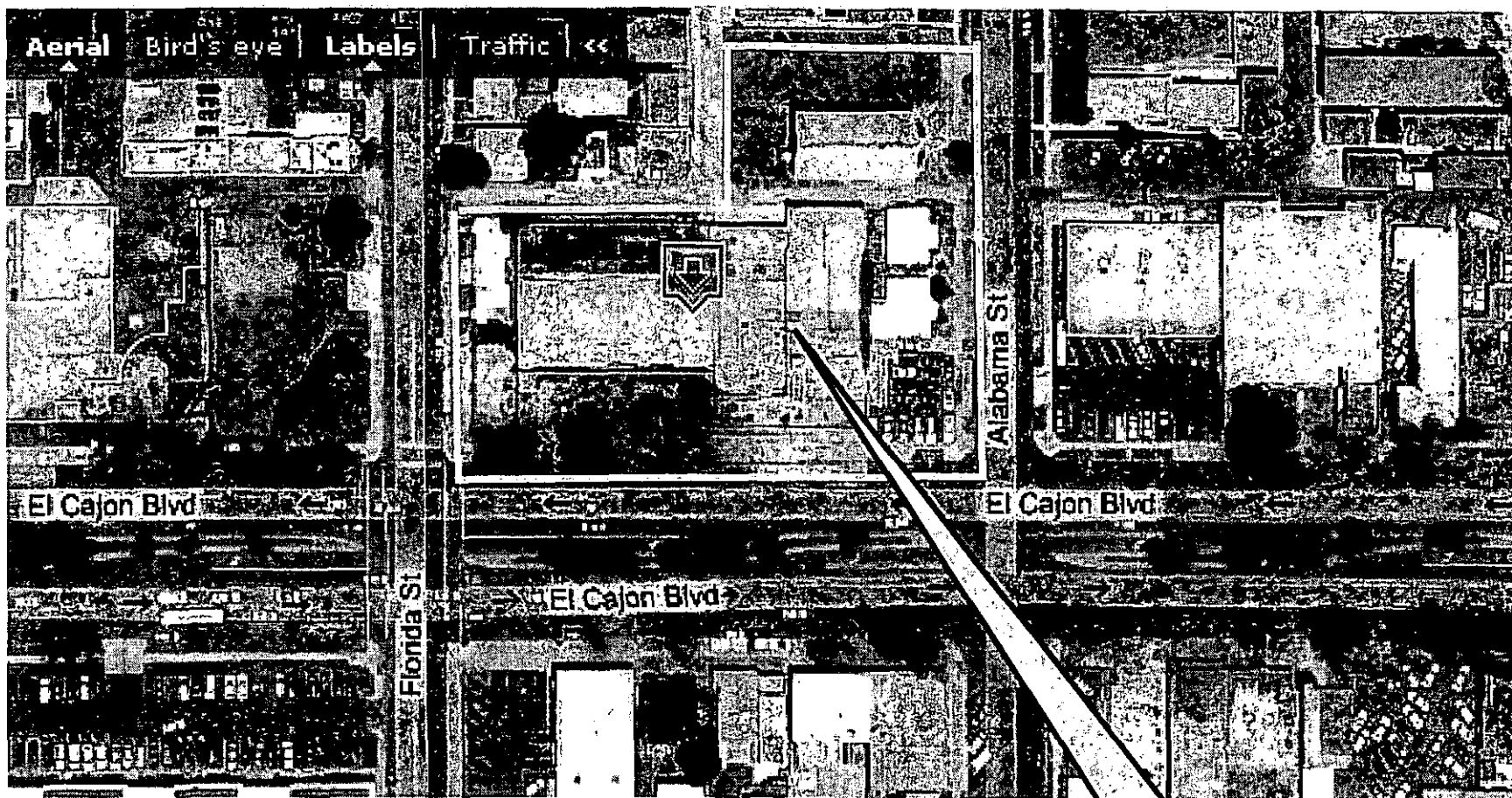
Paul Godwin
Project Manager
Development Services Department

WESTLAKE/PBG

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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet 069
5. Planning Commission Report No. PC-05-052 (without attachments)
6. Approved Vesting Tentative Map
7. Project Plans
8. Draft Vesting Tentative Map Conditions and Subdivision Resolution
9. Draft Site Development Permit with Conditions
10. Draft Site Development Permit Resolution with Findings
11. Copy of Recorded Permit
12. Project Chronology
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement



Project Site



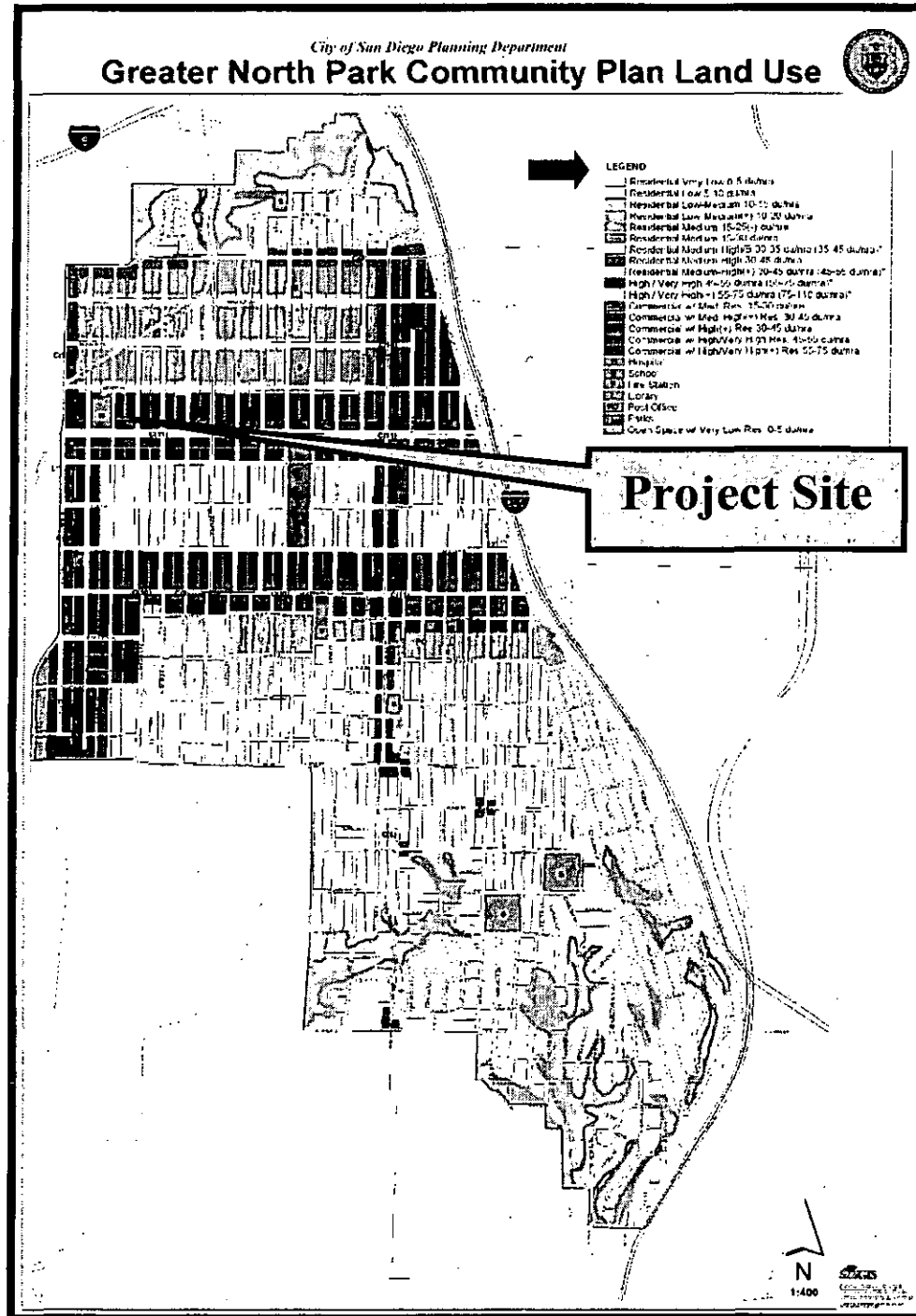
Aerial Photo

THE BOULEVARD EOT - 2030 El Cajon Boulevard

PROJECT NO. 152601

North





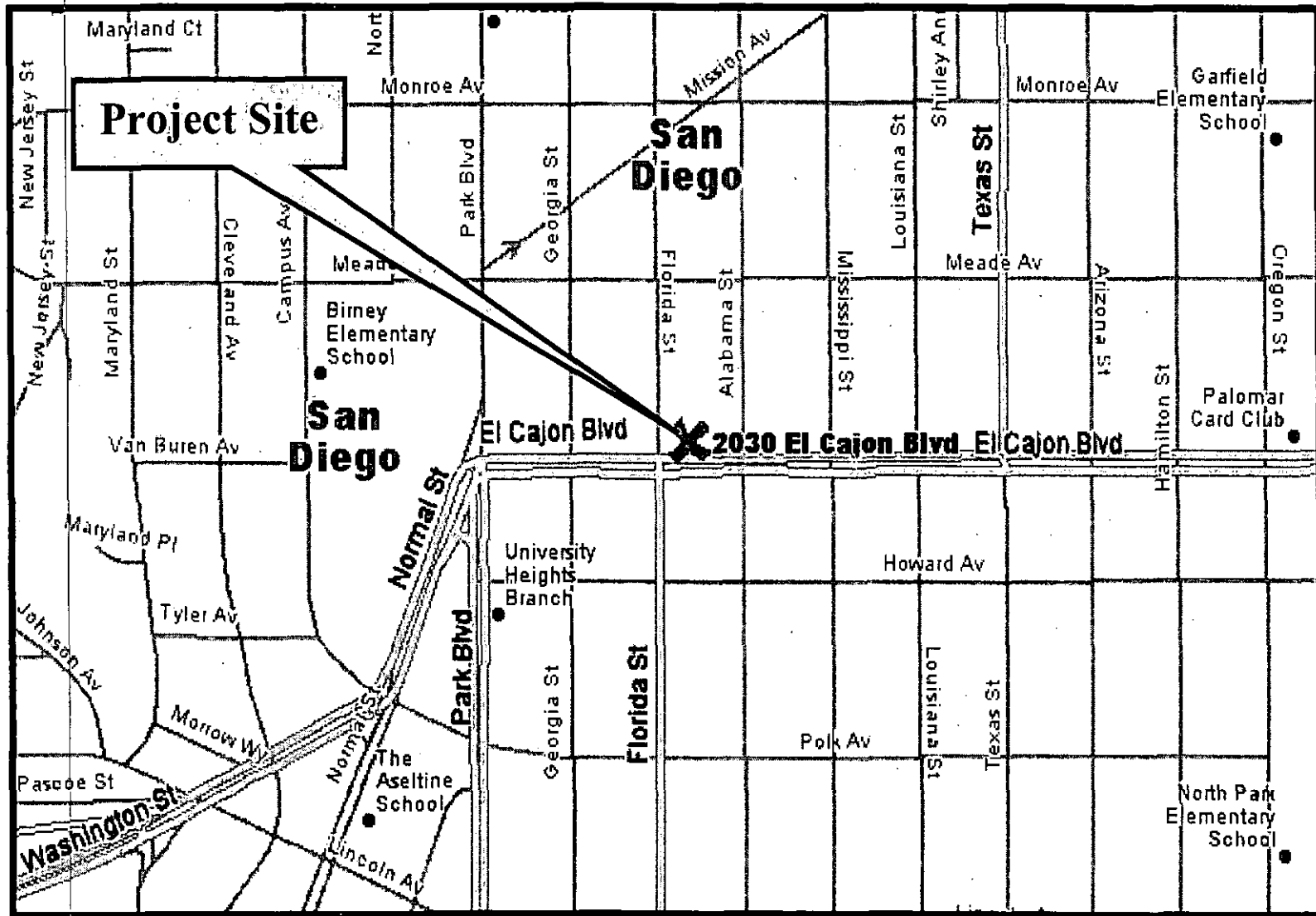
Community Plan Land Use Map

THE BOULEVARD EOT – 2030 El Cajon Boulevard

PROJECT NO. 152601 – Greater North Park

North





Project Location Map

THE BOULEVARD EXTENSION OF TIME – 2030 EL CAJON BOULEVARD

PROJECT NO. 152601



PROJECT DATA SHEET		
PROJECT NAME:	Boulevard at North Park Project	
PROJECT DESCRIPTION:	Construction of a commercial/residential mixed-use project consisting of 180 for sale multi-family residential units and commercial/retail development	
COMMUNITY PLAN AREA:	Greater North Park	
DISCRETIONARY ACTIONS:	Vesting Tentative Map, Easement Abandonment, Public Right-of-Way Vacation, Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	The project site falls within the Commercial (Allowing 55-75 DU/AC) and Residential – High to Very High (Allowing 55-75 DU/AC) with density bonus up to 110 DU/AC	
ZONING:	CL-1 and MR 800B Zones of the Mid-City Communities Planned District: The CL-1 Zone is a Commercial-Linear zone encouraging mixed use development. The MR 800B Zone is a Multi-family zone.	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential, 55-75 DU/AC; MR 800B	Single and Multi-family residential development
SOUTH:	Commercial; CL-1	Commercial/Retail
EAST:	Residential, 55-75 DU/AC & Commercial; MR 800B & CL-1	Multi-family residential & Commercial/Retail
WEST:	Residential, 55-75 DU/AC & Commercial; MR 800B & CL-1	Hospital
DEVIATIONS OR VARIANCES REQUESTED:	Height, setbacks, step-back, minimum street yard, and corner visibility area.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On January 18, 2005, the Greater North Park Community Planning Committee voted 12-0-1 (Chair abstaining) to Approve the Boulevard Project with one condition, which the applicant met.	

000609



ATTACHMENT 5

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 3, 2005 **REPORT NO. PC-05-069**

ATTENTION: Planning Commission, Agenda of March 10, 2005

SUBJECT: THE BOULEVARD - PROJECT NO. 49662. PROCESS FIVE

OWNERS/ the Lee Mather Company, the Max Christian and Hedy C. Christian Trust, Vernon Benson, and the Dement Family Trust

APPLICANT: AMPROP North Park, LLC

SUMMARY

Issue: Should the Planning Commission RECOMMEND that the City Council Approve the construction of a commercial/residential mixed-use project consisting of 180 for sale multi-family residential units and commercial/retail development on the north side of El Cajon Boulevard, between Florida and Alabama Streets within the North Park Redevelopment Project Area and the Greater North Park Community Planning Area?

Staff Recommendation:

1. Recommend City Council **Certify** Mitigated Negative Declaration 49662, and **Adopt** the Mitigation Monitoring and Reporting Program;
2. Recommend City Council **Approve** Site Development Permit No. 143667;
3. Recommend City Council **Approve** Vesting Tentative Map No. 172036;
4. Recommend City Council **Approve** Public Right-of-Way Vacation No. 143669;
5. Recommend City Council **Approve** Easement Abandonment No. 188003.

Community Planning Group Recommendation: On January 18, 2005, the Greater North Park Community Planning Committee voted 12-0-1 (Chair abstaining) to Approve the Boulevard Project with a condition that live-work (mixed-use) spaces will only have a convenience bath at street level. The applicant has met this condition. Please see

2 Attachment 13, Minutes of the January 18 Greater North Park Community Planning Committee meeting.

Other Recommendations: None with this action.

Environmental Review: Mitigated Negative Declaration Number 49662 was prepared, and finalized on February 15, 2005 in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program will be implemented which will reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: Noise, Public Health & Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

Fiscal Impact: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant

Code Enforcement Impact - None with this action.

Housing Impact Statement: According to the Greater North Park Community Plan, the site could accommodate between 80 and 144 residential dwelling units. In order to achieve 180 residential dwelling units on site, the applicant has elected to meet the requirements of both the Inclusionary Housing Ordinance and the Density Bonus Regulations by including an affordable component; selling at least 20% of the units, or 27 units at prices affordable to median and moderate income households. Thirteen of the units (4 one-bedroom units and 9 two-bedroom units) shall be affordable to households earning no more than 100 percent of the area median income (AMI); and 14 of the units (5 one-bedroom units and 9 two-bedroom units) shall be affordable to households earning no more than 120 percent of the AMI.

The project has been conditioned to require the applicant to comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance and the Density Bonus Affordable Housing Requirements. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure that the restricted units are built and sold to appropriate households.

BACKGROUND

The subject 1.54-acre property is located on the north side of El Cajon Boulevard between Florida Street on the west and Alabama Street on the east, within the Greater North Park Community Planning area and North Park Redevelopment Project Area. The Greater North Park Community is bounded by Interstate 805 to the east and Park Boulevard to the west, and stretches as far north as Adams Avenue and as far south as Upas Street (See Attachment 2).

The site is located within the Mid-City Communities Planned District and is zoned CL-1 (Commercial Linear) and MR-800B (Mid-City Residential; 1 unit per 600 square-feet). Surrounding land uses include single and multi-family to the north, commercial/retail to the east and south, and a hospital to the west.

The site is currently developed with a church, a strip retail building, office and retail, single-family, and multi-family development. Approximately one-acre of the project site (the portion fronting on El Cajon Boulevard) is designated Commercial in the Greater North Park Community Plan, allowing high to very residential development, up to 75 to 110 dwelling units per acre (See Community Plan Analysis Section), and the approximately one half-acre portion of the site (north of the alley paralleling El Cajon Boulevard) is designated for high to very high residential development at 55 to 75 dwelling units per acre.

Because the project proposes the development of 27 affordable for-sale units; 13 at or below, 100% of the Area Median Income (AMI), and 14 at or below 120% AMI, the land use approvals have been processed through the "Affordable/In-Fill Housing and Sustainable Buildings Expedite Program."

DISCUSSION

Project Description:

The applicant has requested a Site Development Permit, Vesting Tentative Map, Public Right-of-Way Vacation, and an Easement Abandonment to demolish ten existing structures (none found to have historical significance) and construct a seven-story mixed-use building consisting of 173 one- and two-bedroom residential units, seven mixed-use units, two commercial units (totaling 4,292 square feet), and two-levels of above ground parking over one and one-half levels of subterranean parking.

The proposed 60 one-bedroom units would range in size from 678 to 885 square-feet; the proposed 113 two-bedroom units would range in size from 1,108 to 1,528 square-feet; the proposed 7 mixed-use units would each measure 2,033 square-feet, and the 2 commercial units would range in size from 1,268 to 3,024 square-feet. Each one- and two-bedroom residential unit would contain a living room, dining room, kitchen, bathrooms, and balcony. Each two-story mixed-use unit would contain two-bedrooms, two-and-half bathrooms, living/dining room, kitchen, workroom, and balconies. The two commercial units would be located at the southwest and southeast corners of the building. The three-and-one-half level partial subterranean parking structure would contain 308 vehicular spaces, 9 accessible spaces, 85 bicycle spaces, and 20 motorcycle spaces. All building levels would be connected via enclosed stairways and elevators. Exterior treatments would include cement plaster finish, aluminum windows, tubular metal railings, and metal canopy and roofing elements. The proposed structure would not exceed 88 feet above grade at its highest point.

The applicant has requested deviations to the San Diego Municipal Code (SDMC) requirements for height, setbacks, step-back, minimum street yard, and corner visibility area. The Mid-City Communities Planned District Ordinance (MCCPDO) allows projects to deviate from the regulations of the underlying zone, provided that the MCCPDO Site Development Permit findings can be made. Staff believes that the Planning Commission can make the appropriate findings. Please see the Deviations Section below for additional information.

The proposed 180 multi-family units and 4,300 square feet of retail space is estimated to generate 1,256 average daily trips with 91 morning peak-hour trips and 113 afternoon peak-hour trips. A trip credit can be applied to the existing currently occupied and active uses on this site. The existing uses on site are generating approximately 1,349 average daily trips with 48 morning peak-hour trips and 123 afternoon peak-hour trips. Therefore, the project is expected to generate 93 daily trips less than the existing site. A traffic study is not required. A total of 308 vehicular parking spaces would be provided where 304 are required.

The applicant proposes to vacate an existing 10-foot wide alley, running west to east between Florida Street and Alabama Street in the north portion of the lot, and dedicate a 20-foot wide section of alley running west to east from Alabama Street to the project's garage entry. The existing non-standard 10-foot wide alley provides vehicular access, as well as utility access to sewer and storm drain lines that serve the project site, along with some adjacent properties to the north. The proposed development will require relocation of the alley, along with the associated sewer and storm drain lines.

As a condition of the project, the Applicant will be required to relocate the western portion of the existing alley to the north. The relocated alley will be widened to the city standard alley of 20 feet, from the existing non-standard 10-foot width. The sewer and storm drain lines within the existing alley will also be relocated. The west side sewer and storm drain will be relocated into the new alley, while the east side sewer line will be rerouted into Alabama Street and run to and around El Cajon Boulevard along the front of the project.

Additionally, the 4 foot wide sewer easement on the west side of parcels 445-323-19, 20 & 21, the drain line through parcel 445-323-23, and the unplottable easement for sewer through parcel 445-323-15 will no longer be necessary, as the current structures will be removed in favor of the development, rendering the easements of no public use for the original purpose.

The easements mentioned above were created for the original or current structures in place. Due to the proposed development demolishing the existing structures, the existing easements will be of no public use for the original purpose. All sewer and storm drain lines noted above will be abandoned and/or relocated and constructed to the satisfaction of the Metropolitan Wastewater Department Director and the City Engineer, respectively.

The project site would be accessed from Florida Street and Alabama Street. Site development would include the closing of existing driveways fronting the property and construction of two new driveways leading into the partial subterranean parking garage; new sidewalks, curbs and gutters; an enhanced bus stop shelter; hardscape; and landscape.

Site drainage would be conveyed through a private storm drain system and pass through a hydrodynamic separation system installed downstream of the private system, before discharging into the existing drainage system located within the public right-of-way. The project proposes to grade 1.54 acres (100% of the site) resulting in 16,900 cubic yards of cut. All 16,900 cubic yards of cut are to be transported off-site.

The proposed landscaping would be in conformance with the City's *Landscape Technical Manual* and would include trees such as Jacaranda, Gold Medallion, and Timber Bamboo; shrubs such as Camellia, Japanese Boxwood, and Golden Goddess Bamboo; and vines such as Bower Vine and Creeping Fig.

Community Plan Analysis:

The Greater North Park Community Plan designates the approximately one-acre portion of the site along El Cajon Boulevard for Commercial allowing High to Very High Residential at 55 to 75 dwelling units per acre with an opportunity to obtain a density bonus of up to 110 dwelling units per acre based on parcel accumulation along with compliance with the Urban Design Element of the Plan. The approximately half-acre portion of the site along Alabama Street is designated for High Residential at 55-75 dwelling units per acre. The site could therefore accommodate between 80 and 144 residential dwelling units. In order to achieve 180 residential dwelling units on site, the applicant has requested an affordable housing density bonus.

The Commercial Element of the plan encourages higher residential densities along El Cajon Boulevard in order to provide increased residential development along the transit corridor and adjacent to commercial uses (pg. 68). Although El Cajon Boulevard is designated Commercial and plan policies and recommendations encourage commercial and retail uses along El Cajon Boulevard, there is no minimum commercial square footage recommendations set forth in the plan. The project proposes to develop a pedestrian-oriented mixed-use project that incorporates a new enhanced bus stop along El Cajon Boulevard as well as a total of 4,292 square feet of retail space at the corners of Florida Street and Alabama Street along El Cajon Boulevard and a total of 14,231 square feet of mixed-use area between the two retail spaces on El Cajon Boulevard.

El Cajon Boulevard is the subject of "The Design Study for the Commercial Revitalization of El Cajon Boulevard." The design study establishes a series of general design guidelines intended to assist in achieving the study's major objective, which is business revitalization. The Urban Design Element of the Plan incorporates the objectives and recommendations of the Design Study, which include ensuring that the appearance and compatibility of new development be considered when reviewing development proposals. Further, the overall bulk and scale of a project should be reviewed to ensure that it fits with the surrounding character of the community.

The treatment of building facades is of particular importance and should also be reviewed. The seven-story project would incorporate numerous variations in height and depth of wall surfaces and include enhanced architectural detailing as well as decks and patios throughout the building. The project would also incorporate ample window transparencies along El Cajon Boulevard and a variety of façade materials that lend interest at the pedestrian level.

Recommendations of the Plan applicable to the site promote an atmosphere conducive to enhancing the pedestrian experience through wider sidewalks, uniform setbacks, enhanced landscaping within the public right-of-way, architectural detailing, usable plazas and tree plantings. According to the Plan, since El Cajon Boulevard is a major east-west transportation corridor, new development and redevelopment should occur in a manner that will eliminate or reduce reliance on mid-block driveways, which create conflicts with traffic flows.

The project proposes to provide access to parking through the rear alley and incorporate 12-foot wide sidewalks along El Cajon Boulevard and 10-foot wide sidewalks along Florida and Alabama Streets. The project also proposes corner plazas with an area for a sidewalk café at the corner of El Cajon Boulevard at Florida Street. A uniform street tree theme would be created with 36-inch box street trees and the project proposes to maintain the existing mature eucalyptus trees along El Cajon Boulevard. The project would also include an enhanced bus stop on El Cajon Boulevard that would be maintained by the homeowner's association. The Plan also suggests that Florida Street be enhanced as a landscaped parkway between Balboa Park and the Trolley Barn Park site. The project proposes to incorporate 10-foot wide sidewalks along with enhanced landscaping and shade-producing street trees along Florida Street. Based on the proposed improvements, the proposed project would not adversely affect the recommendations embodied in the Greater North Park Community Plan.

Environmental Analysis:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Noise, Public Health & Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology). Each of these impact areas are summarized below and further discussed in the Mitigated Negative Declaration and Initial Study documents.

Subsequent revisions in the project proposal created specific mitigation which is identified in Section V of the Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report was not required.

Mitigated Negative Declaration Number 49662 was finalized for the project on February 15, 2005 in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) would be implemented which would reduce, to below a level of significance, the potential environmental impacts

identified from the environmental review process for the following resource areas listed above and as summarized below.

Noise

Future year 2030 traffic volumes on El Cajon Boulevard are projected to be 26,800 average daily trips (ADT) and, when combined with intermittent bus noise levels generated along El Cajon Boulevard, would result in a composite exterior noise level of approximately 75.5 dB(A) CNEL along the south facing façade of the building.

The City of San Diego noise regulations limit exterior noise impacts at residential outdoor use areas to 65 dB (A) CNEL. Calculations show that future exterior traffic noise levels will not exceed the limit within the proposed courtyard area, but may exceed the limit at proposed upper-level balconies or patios with a view of El Cajon Boulevard. Balcony and patio mitigation would be required in the form of a minimum 3.5-foot high solid sound attenuation barrier placed along the outer perimeter of the deck and securely attached to the building.

Prior to issuance of any building permit, an acoustical report shall be submitted to the Acoustical Plan Check Section (APCS) to include measures which ensure that exterior noise levels for any patio or balcony facing El Cajon Boulevard, Florida Street, and Alabama Street are below 65 dB (A) CNEL; and that residential and commercial interior noise levels for any unit facing El Cajon Boulevard, Florida Street, and Alabama Street are below 45 dB (A) CNEL and 50 dB (A) CNEL, respectively. Construction measures needed to reduce noise levels shall be called out on plans as "Environmental Mitigation Measures." The Environmental Analysis Section (EAS) of the Land Development Review (LDR) Division shall not approve any final building plans until EAS, in conjunction with the APCS has reviewed the plans to determine conformance.

Public Health and Safety

Because definitive records do not exist to verify if underground storage tanks were previously removed from the proposed project site, mitigation requirements have been specified to ensure remediation of the site to levels acceptable to the County Department of Environmental Health (DEH) for commercial and residential uses. California State law requires responsible parties (persons responsible) to take corrective actions, including investigation and remediation (cleanup) of soil and groundwater contamination caused by an unauthorized release. The results of the environmental investigation must demonstrate to the satisfaction of the DEH that the site is acceptable for residential use so that the DEH can issue a No Further Action closure letter.

Implementation of the MMRP, as further discussed in Section V of the Mitigated Negative Declaration, would mitigate potentially significant public health and safety impacts to below a level significance. As stated in the MMRP, prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the County Department of Environmental Health (DEH) verifying DEH approval that the site meets the criteria for commercial and residential uses.

Air Quality

The project would demolish ten existing on-site structures. The submitted Phase I Environment Site Assessment disclosed the possibility of Asbestos Containing Material (ACM) and lead-based paint (LBP) within these structures. The applicant is required to notify the Air Pollution Control District (APCD) prior to demolition of any on-site structure. Abatement of ACM and LBP would be required as part of the proposed project. Therefore, implementation of the MMRP, contained in Section V of the Mitigated Negative Declaration, would mitigate potentially significant air quality impacts to below a level significance.

Paleontological Resources

The project area is underlain by the Linda Vista Formation which has a moderate paleontological resource potential. Because more than 2,000 cubic-yards of excavation at a depth of ten feet or greater would be required to construct the project, the potential exists for significant adverse impacts to paleontological resources. Therefore, implementation of the MMRP, contained in Section V of the Mitigated Negative Declaration, would mitigate potentially significant paleontological resource impacts to below a level significance.

Historical Resources (Archeological)

City staff has determined through review of the City's Historical Resource Sensitivity Maps that the project site is located in an area of San Diego, which has a high potential for archaeological resources. The project would export approximately 16,900 cubic-yards of cut. Due to the quantity of cut, archaeological monitoring will be required during grading. Therefore, implementation of the MMRP, contained in Section V of the Mitigated Negative Declaration, would mitigate potentially significant historical resource impacts to below a level significance.

Project-Related Issues:

Deviations – The project proposes to deviate from the San Diego Municipal Code (SDMC) requirements for height, setbacks, step-back, minimum street yard, and corner visibility area. The Mid-City Communities Planned District Ordinance (MCCPDO) allows projects to deviate from the regulations of the underlying zone, provided that the MCCPDO Site Development Permit findings can be made. Staff believes that the Planning Commission can make the appropriate findings.

Height - The Maximum height allowed in the MR-800 Zone is 60 feet. The project is designed with a building height of 78 feet and a maximum height of 88 feet at various tower elements. While there is no height limit within the CL-1 Zone along El Cajon Boulevard, the project was designed to spread the height across the entire project (both CL-1 and MR-800B Zones) in order to: (1) make the project more in keeping with the nature of the neighborhood, (2) lessen potential shadowing onto neighboring properties, and (3) avoid stepping up to much more expensive types of construction, which would increase the required Redevelopment Agency subsidy and, as per the applicant, render the project financially infeasible. Therefore, staff supports the requested deviation to allow the height in the CL-1 Zone (where there is no height limit) to be consistent with, and transferred to, portions of the MR-800B parcels.

Setbacks/Step-backs - The project is designed with deviations to the required setbacks along El Cajon Boulevard, Alabama Street, and Florida Street. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building. The required setback along El Cajon Boulevard is 20 feet at the ground level and an additional six feet (step-back) for every story above the story below. The building is sited at the property line with a zero foot setback at the ground level and all stories above the ground level.

The project includes commercial retail, including mixed-use (live-work style) units, along the entire El Cajon Boulevard frontage, which has a 20-foot wide sidewalk. The setback deviation along El Cajon Boulevard is requested to create a stronger interface between the sidewalk and pedestrians and the retail component, which is a key component of the North Park Community Plan. This is consistent with most of the retail areas along El Cajon Boulevard, and also reflects the current situation with the existing structures. It is also intended to enhance the urban context of this and other future projects along that stretch of the street by creating a strong street wall at the property line. Therefore, staff supports the requested setback deviation.

The project design originally included a 15-foot step-back along El Cajon Boulevard, and the north side of the structure west of the alley was an additional story in height. At staff's request, the applicant lowered the height on the north side of the development (to reduce the impact on the residential to the north). In order to retain the proposed number of units on-site, the applicant requested, and staff supported, a deviation to the step-back requirement along El Cajon Boulevard.

The required setback along Alabama Street is six feet at the ground level and an additional six feet for every story above the story below. The building is sited at the property line with a zero foot setback at the ground, second, and third stories. The building is setback 10 feet at the fourth and fifth stories, with balconies setback at four feet.

The deviations to the setback and step-back requirements are requested along Alabama Street to implement a similar design concept to the one employed for El Cajon Boulevard, so that the retail element would be consistent as it turned the corner. The design also includes mixed-use units along Alabama Street to the north of the project entrance, and the same 20-foot sidewalk width is maintained along the entire Alabama Street frontage.

In addition, the step-back deviation would allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Alabama Street.

The required setback along Florida Street is 6 feet at the ground level and an additional six feet for every story above the story below. The building observes the 6 foot setback at the ground level. The building is setback six feet at the second and third stories. The building is further articulated with an 11 foot setback at the fourth and fifth stories, with balconies setback seven feet.

Because Florida Street has a 10 foot parkway rather than a 20 foot parkway as on El Cajon Boulevard and Alabama Street, the proposed design honors the six-foot setback requirement and no deviation is requested. With the building set back 16 feet on Florida Street and 20 feet on El Cajon Boulevard and Alabama Street, the building will have a uniform appearance. A deviation from the six-foot step-back requirement is being requested to allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Florida Street.

Additionally, the applicant has cited that meeting the step-back requirements would render the project financially infeasible due to the increased costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Street Yard Requirement - The San Diego Municipal Code Minimum Street Yard requirements along Alabama Street, Florida Street, and El Cajon Boulevard require a minimum street yard of 10,300 square feet, 25 percent of which must be landscaped. In lieu of the specific street yard requirement, the applicant is proposing the following along Alabama Street and/or El Cajon Boulevard:

1. 4,000 square feet of deck landscape area,
2. 6,500 square feet of enhanced paving area,
3. Two fountains,
4. Upsized street trees along Alabama Street (36 inch box size where 24 inch is required),
5. A seven-foot wide turf strip and seat-height planters adjacent to the curb,
6. Planting strips adjacent to the building, and

7. Tree grates for the proposed street trees.

In addition, the Applicant shall, as a condition of the building permit, construct an enhanced bus stop in accordance with the Metropolitan Transit Development Board design standards. The bus stop will be maintained by the condominium homeowner's association (HOA).

On Florida Street, the Applicant is upsizing the palms to 15 feet brown trunk height (8 feet required) and providing 6 feet of landscape area within the entire street yard (4 feet required).

On the upper levels of the building, private decks have been provided facing the streets allowing residents the opportunity to step outside and create a lively streetscape with seating and private planting areas. On the deck level within the project, planter areas have been shaped to create outdoor gathering spaces for the residents. Therefore, staff supports the requested deviation to the street yard requirement.

Corner Visibility Area - El Cajon Boulevard/Alabama Street. A deviation from the visibility triangle is requested at the corner of Alabama Street and El Cajon Boulevard, as the structure is proposed to be built to the property line. This is to enhance the urban, pedestrian-oriented feel of the project. At this intersection, a stop sign will force southbound traffic to a complete stop before proceeding. Also, the combination of 20-foot wide parkways on El Cajon Boulevard and Alabama Street and modified building design at the southeast corner of the building provide acceptable visibility area for traffic approaching the El Cajon Boulevard/Alabama Street intersection.

El Cajon Boulevard/Florida Street: A deviation from the visibility triangle is requested at the corner of Florida Street and El Cajon Boulevard, as the structure is proposed to be built to property line. This is to enhance the urban, pedestrian-oriented feel of the project. The combination of the 20-foot wide parkway on El Cajon Boulevard, the 16-foot wide parkway on Florida Street, and the modified building design at the southwest corner of the building provide an acceptable visibility area for traffic approaching the El Cajon Boulevard/Florida street intersection.

Density - The CL-1 and MR- 800B Zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 Zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B Zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately 24 units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (27 units) shall be affordable to moderate income households (household income does not exceed 120 percent of area median income). The 35 percent Density Bonus would permit the

development of 47 additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B Zone = 24 units

CL-1 Zone = 109 units

Total Units = 133 X 35% = 180 units

Community Planning Group Recommendation – On January 18, 2005, The Greater North Park Community Planning Committee voted 12-0-1 to recommend approval of the project as proposed with a condition that the mixed-use (live-work) portion of the project have only a convenience bath on the street level. Subsequent to the Planning Committee vote, the applicant redesigned the floor plan of the mixed-use portion to have only a convenience bath on the street level, as conditioned by the Planning Committee.

Critical Project Features to Consider Should a Substantial Conformance Review Be Requested

- Intensity of Development: The site shall be limited to 135 percent of the density (with Density Bonus) allowed by the underlying zone.
- Site Design: The project design should not increase the amount of deviation from the regulations of the development regulations of the underlying zone, unless the Site Development Permit findings could still be made with those additional deviations.
- Environmental Documents: The project design should remain within the parameters of the scope of the Mitigated Negative Declaration.
- Affordable Housing: The affordable housing units must meet the requirements of the Housing Commission agreement.

Conclusion

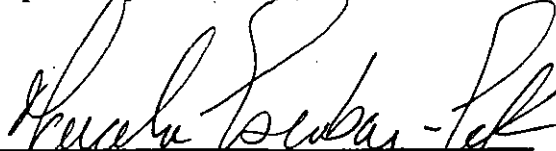
Other than the requested deviations, for which staff believes that findings can be made, staff finds the Boulevard project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the Mid-City Communities Planned District Ordinance, the North Park Redevelopment Plan, the adopted Greater North Park Community Plan, and City of San Diego Progress Guide and General Plan.


The proposed development would provide 180 for-sale residential units, 27 of which would be affordable to moderate income families, at a time when the City of San Diego has declared a Housing State of Emergency. The mix of one- and two-bedroom units would house individuals, small and large families earning 100 to 120 percent of the area median income.

ALTERNATIVES

1. Recommend that the City Council **Certify** Mitigate Negative Declaration 49662, and **Adopt** the Mitigation Monitoring and Reporting Program; **Approve** Site Development Permit No. 143667; **Approve** Vesting Tentative Map No. 172036, including the request to waive the requirement to underground existing overhead utilities; and **Approve** Public Right-of-Way Vacation No. 143669, and **Approve** Easement Abandonment No. 188003 with modifications.
2. Recommend that the City Council **Certify** Mitigate Negative Declaration 49662, and **Adopt** the Mitigation Monitoring and Reporting Program; **Approve** Site Development Permit No. 143667; **Approve** Vesting Tentative Map No. 172036, **Deny** the request to waive the requirement to underground existing overhead utilities; and **Approve** Public Right-of-Way Vacation No. 143669, and **Approve** Easement Abandonment No. 188003 with modifications.
3. Recommend that the City Council **Not Certify** Mitigate Negative Declaration 49662, and **Not Adopt** the Mitigation Monitoring and Reporting Program; **Deny** Site Development Permit No. 143667; **Deny** Vesting Tentative Map No. 172036; and **Deny** Public Right-of-Way Vacation No. 143669, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


 Marcela Escobar-Eck, Deputy Director
 Customer Service & Information Division
 Development Services Department


 Daniel Stricker
 Development Project Manager,
 Development Services Department

HALBERT/DES

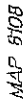
Attachments:

1. Aerial Photograph/ Project Location Map
2. Community Plan Land Use Map
3. Project Data Sheet
4. Project Title Sheet/Site Plan
5. Floor Plans/Roof Plan
6. Elevations/Sections
7. Shadow Study
8. Vesting Tentative Map
9. Landscape Plans

000622

10. Draft Vesting Tentative Map Conditions and Subdivision Resolution
11. Draft Permit with Conditions
12. Draft Permit Resolution with Findings
13. Draft Planning Commission Resolution
14. Community Planning Group Recommendation
15. Ownership Disclosure Statement
16. Project Chronology

060623

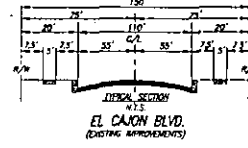
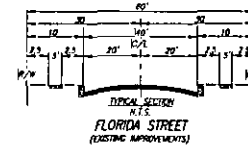
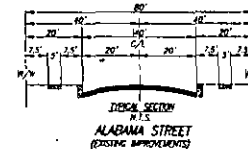


TENTATIVE MAP PREPARED BY:
LEPPERT ENGINEERING CORPORATION
5130 GOVERNOR DRIVE, SUITE 205
SAN DIEGO, CA 92122
(619) 597-2001

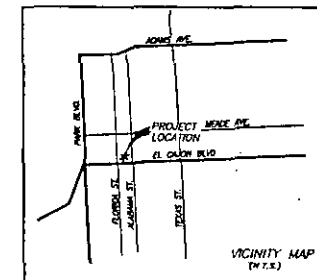
BY: NORMAN S. KASUBUCHI
RCE J1829 EXP. 12/31/08



FLOODATION BOUNDARY
 POLE OF EX ALLEY TO BE VACATED
 ALLEY TO BE DEDICATED
 EXISTING WATER MAIN
 EXISTING SEWER MAIN
 EXISTING SEWER MANHOLE
 EXISTING STORM DRAIN
 EXISTING STREET LIGHT
 NEW WATER MAIN
 NEW SEWER MAIN
 NEW STORM DRAIN
 NEW SEWER MANHOLE
 NEW STORM DRAIN CLEANOUT
 HYDRO-DYNAMIC SEPARATION (HYDRODYNAMIC OR EQUAL)
 NEW WATER SERVICE
 NEW FIRE SERVICE
 NEW IRRIGATION SEPTAGE AND BACKFLOW
 ABOVE GROUND MASTER METER AND BACKFLOW ASSEMBLY
 FIRE SERVICE BACKFLOW ASSEMBLY
 NEW SEWER LATERAL
 ALLEY APPROX
 ALLEY POE PAVEMENT
 PEDESTRIAN RAMP



BY: _____ DATE: _____



DEPA

Fittachmen + 6

000624

VESTING TENTATIVE MAP

LEGEND:

SUBDIVISION BOUNDARY
LIMIT TYPE
REQUIRED SETBACK

(A)

UNIT MIX

UNIT TYPE	NO. OF UNITS	NO. OF BOWNS	TOTAL BOWNS	SQUARE FOOTAGE	TOTAL SQ. FOOTAGE
A1	8	1	9	728 SF	8,900 SF
A2	4	1	5	725 SF	8,900 SF
A3	48	1	49	737 SF	55,716 SF
A4	4	1	5	660 SF	2,640 SF
A5	4	1	5	827 SF	3,708 SF
A6	4	1	5	818 SF	3,512 SF
A7	4	1	5	518 SF	2,074 SF
B1	32	2	34	1,068 SF	26,368 SF
C1	20	2	22	1,708 SF	24,140 SF
WALKWAY	7	1	8	2,036 SF	16,292 SF
TOTALS:	175	14	189		165,530 SF

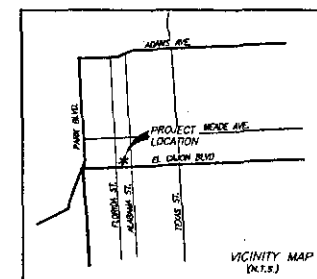
ZONING, LOTS AND ACREAGE

EXISTING ZONING: CL-1, MH-BOM
PROPOSED NUMBER OF LOTS: 1
PROJECT AREA: 1.536 AC. (GROSS); 1.458 AC. (NET)

SETBACK REQUIREMENTS

MR-1000: STREET SIDE YARD - 6'
FRONT YARD - 10'
INTERIOR SIDE YARD - 6'
REAR YARD - 1' IF ALLEY; 15' IF NO ALLEY

- CL-1: EL CAJON BLVD. - 20'
STREET YARD - 4' (a)
FRONT YARD - 6' (b)(1)
INTERIOR SIDE YARD - 6' (b)(6)
REAR YARD - 4' (b)
- (b) EVERY STORY, OR PORTION OF A STORY, ABOVE THE SECOND SHALL BE SET BACK AN ADDITIONAL THREE FEET CALCULATED FROM THE MINIMUM REQUIREMENT FOR THE STORY BELOW. THE MAXIMUM REQUIRED SETBACK IS 15 FEET.
- (c) IF THE PROPERTY LINE ADJUTS ESSENTIALLY ZONED PROPERTY, A 20-FOOT YARD SHALL BE PROVIDED ADJACENT TO THAT PROPERTY.
- (d) ON PROPERTY LINES ADJUTING EL CAJON BLVD., A 20-FOOT YARD IS REQUIRED, SUBJECT TO THE PROVISIONS SPECIFIED IN SECTION 101.1308(b)(1)(A)(i) AND (ii) OF THE MUNICIPAL CODE.
- (e) WITH THE EXCEPTION OF FRONT SETBACKS ADJUTING EL CAJON BLVD., EVERY STORY (OR PORTION OF A STORY) ABOVE THE SECOND SHALL BE SET BACK AN ADDITIONAL SET FEET CALCULATED FROM THE MINIMUM REQUIREMENT FOR THE STORY BELOW. THE MAXIMUM TOTAL REQUIRED SETBACK IS 24 FEET.
- (f) WHERE PARKING SPACES ARE ACCESSED DIRECTLY FROM THE STREET RIGHT OF WAY WITH NO TURNAROUND AREA, THERE SHALL BE A MINIMUM 20-FOOT SETBACK FOR SAID PARKING SPACES.



PREPARED BY:

NAME: LEPPERT ENGINEERING CORPORATION

ADDRESS: 5190 GARDEN DRIVE, SUITE 203

SAN DIEGO, CALIFORNIA 92122-2848

PHONE #: (619) 297-2001

PROJECT ADDRESS:

EL CAJON BOULEVARD

SAN DIEGO, CALIFORNIA 92129

PROJECT NAME:

2010-2020 THE BOULEVARD AT NORTH PARK

SHEET TITLE:

VESTING TENTATIVE MAP

REVISION 14:

REVISION 13:

REVISION 12:

REVISION 11:

REVISION 10:

REVISION 9:

REVISION 8:

REVISION 7:

REVISION 6:

REVISION 5:

REVISION 4:

REVISION 3:

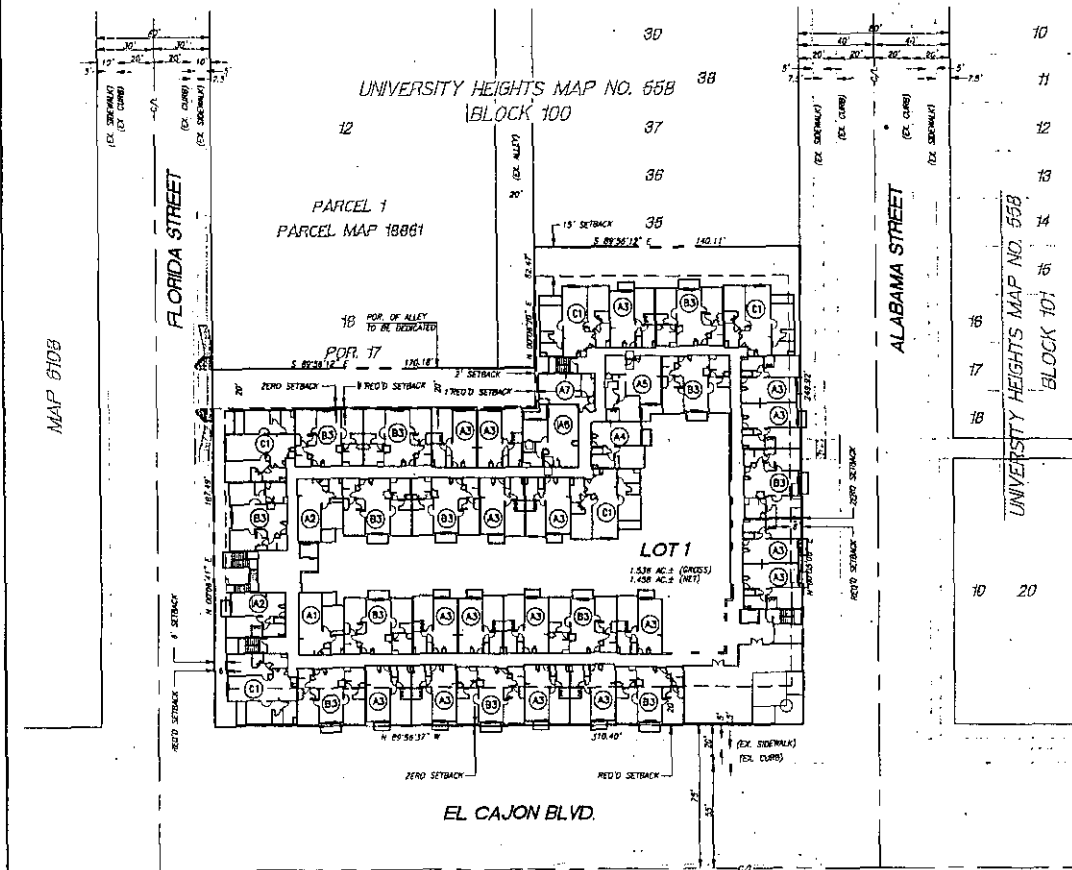
REVISION 2:

REVISION 1:

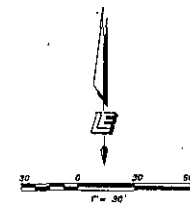
ORIGINAL DATE: 9/3/04

SHEET: CL-1 OF 3

DATE:



NO.	DATE	BY	REVISION
1	10/10/04	ELP	ADDITIONAL REVISIONS
2	10/10/04	ELP	ADDITIONAL REVISIONS
3	10/10/04	ELP	ADDITIONAL REVISIONS
4	10/10/04	ELP	ADDITIONAL REVISIONS
5	10/10/04	ELP	ADDITIONAL REVISIONS
6	10/10/04	ELP	ADDITIONAL REVISIONS
7	10/10/04	ELP	ADDITIONAL REVISIONS
8	10/10/04	ELP	ADDITIONAL REVISIONS
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17	10/10/04	ELP	ADDITIONAL REVISIONS
18	10/10/04	ELP	ADDITIONAL REVISIONS
19	10/10/04	ELP	ADDITIONAL REVISIONS
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25	10/10/04	ELP	ADDITIONAL REVISIONS
26	10/10/04	ELP	ADDITIONAL REVISIONS
27	10/10/04	ELP	ADDITIONAL REVISIONS
28	10/10/04	ELP	ADDITIONAL REVISIONS
29	10/10/04	ELP	ADDITIONAL REVISIONS
30	10/10/04	ELP	ADDITIONAL REVISIONS



ATTACHMENT C

SHEET	DESCRIPTION	SCALE
A 1	WYLE SHEET	NTS
A 2	WYE PLUMB	1" = 30'-0"
A 3	GASARE PLUMB - LEVEL 0-1	1" = 30'-0"
A 4	GASARE PLUMB - LEVEL 1-2	1" = 30'-0"
A 5	GASARE PLUMB - LEVEL 2-3	1" = 30'-0"
A 6	GASARE PLUMB - LEVEL 3-4	1" = 30'-0"
A 7	CONDENSATION PLUMB - LEVEL 1	1" = 30'-0"
A 8	CONDENSATION PLUMB - LEVEL 2	1" = 30'-0"
A 9	CONDENSATION PLUMB - LEVEL 3	1" = 30'-0"
A 10	CONDENSATION PLUMB - LEVEL 4	1" = 30'-0"
A 11	TYPICAL UNIT PLUMB	1/8" = 1'-0"
A 12	TYPICAL UNIT PLUMB	1/8" = 1'-0"
A 13	WTS. R/VS. RINGS	1" = 10'-0"
A 14	WTS. R/VS. RINGS	1" = 10'-0"
A 15	WTS. R/VS. RINGS	1" = 10'-0"
A 16	SHOWER STUBS	NTS
A 17	LANDSCAPE PLAN	6/8"

ADDRESS: 2830 E. CALIF. BLVD., 3RD FLOOR
CITY: CL-4 AT E. CALIF. FRONTAGE IN NW-1/4 SEC 4 AT
ALABAMA FRONTAGE and 3rdrd north of city
LOT AREA (COVERED): 66.57 S.F. (1.84 ACRES) (INCLUDING VACATED
ALERT
AT CL-4: 448-233-33-00, 448-323-13-00,
448-323-14-00, 448-323-26-00 &
448-323-21-00
AT NW-1/4 SEC 4: 448-323-33-00 &

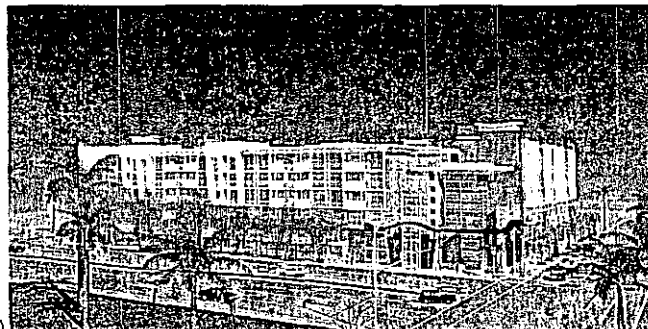
FOR 64-40000 300000
WABASH LOT COVERAGE OF 205 - NO WABASH
= 43,267 S.F. 2 MORE PERMITTED COVERAGE = 43,267 S.F. WABASH FOOTPRINT

FOR 64-40000 300000
WABASH LOT COVERAGE OF 408
= 16,847 S.F. 2 MORE PERMITTED COVERAGE = 8,793 S.F. WABASH FOOTPRINT

PERMITTED PARCELS
10,100 S.F. WABASH FOOTPRINT

PLEASE NOTE THAT ALL THE AREA CALCULATIONS PROVIDED HEREIN ARE BASED ON THE EXISTING MAPS AND TO BE VACATED.

FLORIDA ST. DEFENSE	UNDEFENSE	FLORIDA ST. PROSECUTOR	0 SPACES
ALABAMA ST. DEFENSE	UNDEFENSE	ALABAMA ST. PROSECUTOR	0 SPACES
S. CAROLINA ST. DEFENSE	0 SPACES	S. CAROLINA ST. PROSECUTOR	0 SPACES
TEX. DEFENSE UNOFFICIAL FORMS	1 SPACE	TEXAS PROSECUTOR UNOFFICIAL FORMS	10 SPACES



REAL PROPERTY IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 5 THROUGH 34, AND A PORTION OF LOT 6 IN BLOCK 400 OF UNIVERSITY HEIGHTS, SHIP TO ONE, TOGETHER WITH THOSE PORTIONS OF THE EAST 1/2 PART OF PLUMMA GYRANT AS YACHTS AND BEACHES TO PUBLIC OF COURTESY 5, ON BY RESOLUTION NO. 200 OF THE COMMON COUNCIL OF THE CITY OF SAN DIEGO.

UNITED STATES DEPARTMENT OF AGRICULTURE									
FARMING OPERATIONS BY OCCUPATION									
1	STANDARD FARM ID	(1) 50 LINES	2	125 TOTAL FARM	3	60	4	100 LINES	
5	STANDARD FARM ID	(1) 50 LINES	6	125 TOTAL FARM	7	60	8	100 LINES	
9	1	100 LINES	10	100 LINES	11	100 LINES	12	100 LINES	
13	1	100 LINES	14	100 LINES	15	100 LINES	16	100 LINES	
17	1	100 LINES	18	100 LINES	19	100 LINES	20	100 LINES	
21	1	100 LINES	22	100 LINES	23	100 LINES	24	100 LINES	
25	1	100 LINES	26	100 LINES	27	100 LINES	28	100 LINES	
29	1	100 LINES	30	100 LINES	31	100 LINES	32	100 LINES	
33	1	100 LINES	34	100 LINES	35	100 LINES	36	100 LINES	
37	1	100 LINES	38	100 LINES	39	100 LINES	40	100 LINES	
41	1	100 LINES	42	100 LINES	43	100 LINES	44	100 LINES	
45	1	100 LINES	46	100 LINES	47	100 LINES	48	100 LINES	
49	1	100 LINES	50	100 LINES	51	100 LINES	52	100 LINES	
53	1	100 LINES	54	100 LINES	55	100 LINES	56	100 LINES	
57	1	100 LINES	58	100 LINES	59	100 LINES	60	100 LINES	
61	1	100 LINES	62	100 LINES	63	100 LINES	64	100 LINES	
65	1	100 LINES	66	100 LINES	67	100 LINES	68	100 LINES	
69	1	100 LINES	70	100 LINES	71	100 LINES	72	100 LINES	
73	1	100 LINES	74	100 LINES	75	100 LINES	76	100 LINES	
77	1	100 LINES	78	100 LINES	79	100 LINES	80	100 LINES	
81	1	100 LINES	82	100 LINES	83	100 LINES	84	100 LINES	
85	1	100 LINES	86	100 LINES	87	100 LINES	88	100 LINES	
89	1	100 LINES	90	100 LINES	91	100 LINES	92	100 LINES	
93	1	100 LINES	94	100 LINES	95	100 LINES	96	100 LINES	
97	1	100 LINES	98	100 LINES	99	100 LINES	100	100 LINES	

3. **ALCOHOL CONCENTRATION** (g/100 ml)

'400' B F OF AGE POINT TO CENTER LINE OF RAILWAY
 '400' N F = 1 (N) 000 B F DEPENDS ON THE SIZE OF THE
 '400' B F OF AGE POINT TO CENTER LINE OF RAILWAY
 '400' S F = 1 (S) 000 B F DEPENDS ON THE SIZE OF THE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-11-2010 BY 60322 UCBAW/SJS

THE JAMES P. HARRIS

SPOTS BUILDING AREA	SPOTS 1-17	SPOTS 18-24	SPOTS 25-31	SPOTS 32-38	SPOTS 39-45	SPOTS 46-52	SPOTS 53-59	SPOTS 60-66	SPOTS 67-73	SPOTS 74-80	SPOTS 81-87	SPOTS 88-94	SPOTS 95-101	SPOTS 102-108	SPOTS 109-115	SPOTS 116-122	SPOTS 123-129	SPOTS 130-136	SPOTS 137-143	SPOTS 144-150	SPOTS 151-157	SPOTS 158-164	SPOTS 165-171	SPOTS 172-178	SPOTS 179-185	SPOTS 186-192	SPOTS 193-199	SPOTS 200-206	SPOTS 207-213	SPOTS 214-220	SPOTS 221-227	SPOTS 228-234	SPOTS 235-241	SPOTS 242-248	SPOTS 249-255	SPOTS 256-262	SPOTS 263-269	SPOTS 270-276	SPOTS 277-283	SPOTS 284-290	SPOTS 291-297	SPOTS 298-304	SPOTS 305-311	SPOTS 312-318	SPOTS 319-325	SPOTS 326-332	SPOTS 333-339	SPOTS 340-346	SPOTS 347-353	SPOTS 354-360	SPOTS 361-367	SPOTS 368-374	SPOTS 375-381	SPOTS 382-388	SPOTS 389-395	SPOTS 396-402	SPOTS 403-409	SPOTS 410-416	SPOTS 417-423	SPOTS 424-430	SPOTS 431-437	SPOTS 438-444	SPOTS 445-451	SPOTS 452-458	SPOTS 459-465	SPOTS 466-472	SPOTS 473-479	SPOTS 480-486	SPOTS 487-493	SPOTS 494-500	SPOTS 501-507	SPOTS 508-514	SPOTS 515-521	SPOTS 522-528	SPOTS 529-535	SPOTS 536-542	SPOTS 543-549	SPOTS 550-556	SPOTS 557-563	SPOTS 564-570	SPOTS 571-577	SPOTS 578-584	SPOTS 585-591	SPOTS 592-598	SPOTS 599-605	SPOTS 606-612	SPOTS 613-619	SPOTS 620-626	SPOTS 627-633	SPOTS 634-640	SPOTS 641-647	SPOTS 648-654	SPOTS 655-661	SPOTS 662-668	SPOTS 669-675	SPOTS 676-682	SPOTS 683-689	SPOTS 690-696	SPOTS 697-703	SPOTS 704-710	SPOTS 711-717	SPOTS 718-724	SPOTS 725-731	SPOTS 732-738	SPOTS 739-745	SPOTS 746-752	SPOTS 753-759	SPOTS 760-766	SPOTS 767-773	SPOTS 774-780	SPOTS 781-787	SPOTS 788-794	SPOTS 795-801	SPOTS 802-808	SPOTS 809-815	SPOTS 816-822	SPOTS 823-829	SPOTS 830-836	SPOTS 837-843	SPOTS 844-850	SPOTS 851-857	SPOTS 858-864	SPOTS 865-871	SPOTS 872-878	SPOTS 879-885	SPOTS 886-892	SPOTS 893-899	SPOTS 900-906	SPOTS 907-913	SPOTS 914-920	SPOTS 921-927	SPOTS 928-934	SPOTS 935-941	SPOTS 942-948	SPOTS 949-955	SPOTS 956-962	SPOTS 963-969	SPOTS 970-976	SPOTS 977-983	SPOTS 984-990	SPOTS 991-997	SPOTS 998-1004	SPOTS 1005-1011	SPOTS 1012-1018	SPOTS 1019-1025	SPOTS 1026-1032	SPOTS 1033-1039	SPOTS 1040-1046	SPOTS 1047-1053	SPOTS 1054-1060	SPOTS 1061-1067	SPOTS 1068-1074	SPOTS 1075-1081	SPOTS 1082-1088	SPOTS 1089-1095	SPOTS 1096-1102	SPOTS 1103-1109	SPOTS 1110-1116	SPOTS 1117-1123	SPOTS 1124-1130	SPOTS 1131-1137	SPOTS 1138-1144	SPOTS 1145-1151	SPOTS 1152-1158	SPOTS 1159-1165	SPOTS 1166-1172	SPOTS 1173-1179	SPOTS 1180-1186	SPOTS 1187-1193	SPOTS 1194-1200	SPOTS 1201-1207	SPOTS 1208-1214	SPOTS 1215-1221	SPOTS 1222-1228	SPOTS 1229-1235	SPOTS 1236-1242	SPOTS 1243-1249	SPOTS 1250-1256	SPOTS 1257-1263	SPOTS 1264-1270	SPOTS 1271-1277	SPOTS 1278-1284	SPOTS 1285-1291	SPOTS 1292-1298	SPOTS 1299-1305	SPOTS 1306-1312	SPOTS 1313-1319	SPOTS 1320-1326	SPOTS 1327-1333	SPOTS 1334-1340	SPOTS 1341-1347	SPOTS 1348-1354	SPOTS 1355-1361	SPOTS 1362-1368	SPOTS 1369-1375	SPOTS 1376-1382	SPOTS 1383-1389	SPOTS 1390-1396	SPOTS 1397-1403	SPOTS 1404-1410	SPOTS 1411-1417	SPOTS 1418-1424	SPOTS 1425-1431	SPOTS 1432-1438	SPOTS 1439-1445	SPOTS 1446-1452	SPOTS 1453-1459	SPOTS 1460-1466	SPOTS 1467-1473	SPOTS 1474-1480	SPOTS 1481-1487	SPOTS 1488-1494	SPOTS 1495-1501	SPOTS 1502-1508	SPOTS 1509-1515	SPOTS 1516-1522	SPOTS 1523-1529	SPOTS 1530-1536	SPOTS 1537-1543	SPOTS 1544-1550	SPOTS 1551-1557	SPOTS 1558-1564	SPOTS 1565-1571	SPOTS 1572-1578	SPOTS 1579-1585	SPOTS 1586-1592	SPOTS 1593-1599	SPOTS 1600-1606	SPOTS 1607-1613	SPOTS 1614-1620	SPOTS 1621-1627	SPOTS 1628-1634	SPOTS 1635-1641	SPOTS 1642-1648	SPOTS 1649-1655	SPOTS 1656-1662	SPOTS 1663-1669	SPOTS 1670-1676	SPOTS 1677-1683	SPOTS 1684-1690	SPOTS 1691-1697	SPOTS 1698-1704	SPOTS 1705-1711	SPOTS 1712-1
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COMMON / SUPPORT AREA		PT
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NET RECEIVABLES	53.1
NET INVENTORY	14.1
NET DEBT	1.5

NET COMPARISON	100
NET AREA	100
NET COMPARISON + NET AREA	100

A QUALITY 8 STORY MULTI-FAMILY RESIDENTIAL BUILDING BUILDING COMPOSED OF 20 UNITS IN FOUR STORIES OF RESIDENTIAL, OVER 2 STORIES OF MESEAGE, WITH COMBINATION BUILDING OVER TWO AND A HALF LEVELS OF TYPE 1 PARTIAL SUBTERRANEAN PARKING LOCATED IN A 154' X 154' LOT ON STREET LEVEL, NEAR AND MORE VIB UNITS FACING SE CORNER BLVD. AND ALABAMA STREET.

THE FULL BUILDING IS 8 STORIES, WITH 1 LEVEL RESIDENTIAL AND 3 LEVELS OF MESEGE AND ONE SUBTERRANEAN PARKING STRUCTURE.

DOI: 10.1002/for

STUDENT NAME - SURNAME AND INITIALS - PHONE - MR. MRZ - E. EMAIL - MR. E. E. ALI

20. THIS AGREEMENT IS PROPERTY LAW ABILITY IN CALIFORNIA.

STORY HEIGHT SHD NOT EXCEED SET BACK AND MINIMUM 6' TO A MAXIMUM OF 8'. WHEN PARKING SPACES ADJACENT EXISTING FROM STREET, 8'4" PARKING SPACES SHALL

STITCHES ARE - 1/2, EVERY STITCH ABOVE AND BELOW TO STITCHES F UP TO 4 MAJORS
IF.

REAR - r, EVERY STUFF ABOVE HAS NEED TO STOP-LACK IT UP TO IF MALL

- STEPHEN'S RELATIVE REQUESTED ON EL CAJON BLVD.

- STREET INTERSECTION AND ALLY ACCESS: SUPPLY TRAILHEAD

THE JOURNAL OF THE EAST AND WEST BANK

DETERMINATION OF THE FLUORESCENCE QUANTUM YIELD OF THE ALKYL
AROMATIC AMIDES WITH AN ION

- LIFE DEVELOPMENT PLAN
- TENTATIVE MAP

- * SALES REPRESENTATIVE
- * SALES REPRESENTATIVE AND SALES ASSISTANT

© 2000 Blackwell Science Ltd *Journal of Internal Medicine* 247: 111–117

[illegible]

EACH PAPER, 40¢

[illegible]

APR 14 1975 - 4 RECEPTION, BOSTON, MASS. 02111

— **SECRET** —

ARCHITECT:

17830 BONVENTO VALLEY RD.
STATE A

CIVIL ENGINEER

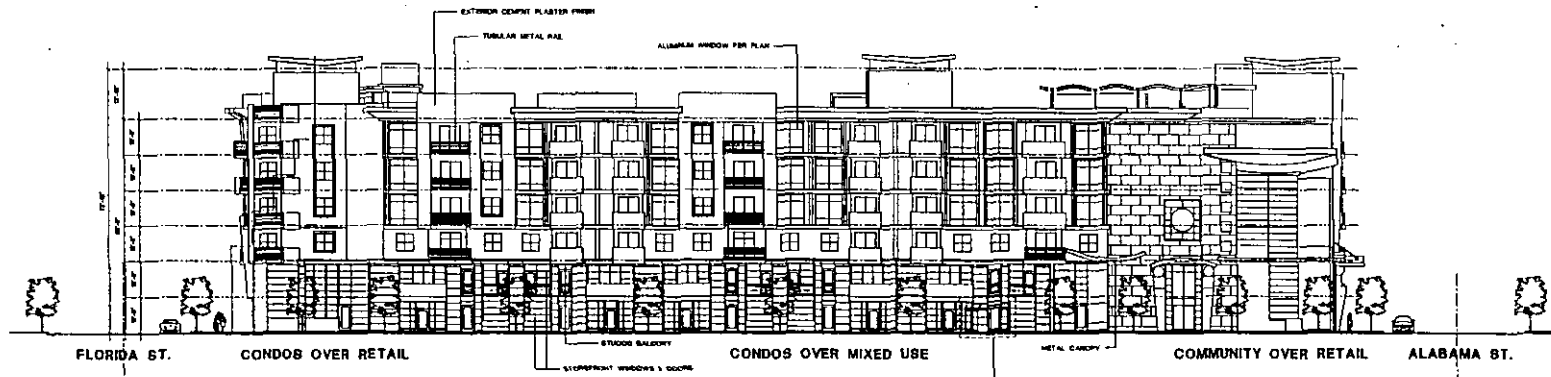
LANDSCAPING:

STRUCTURAL ENGINEER

OWNER:

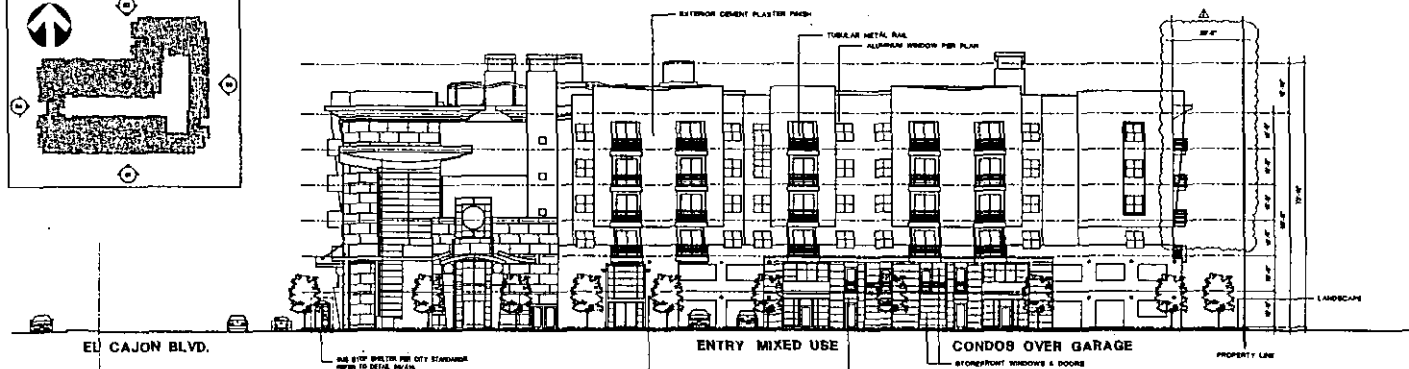
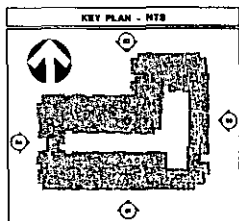
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Prepared By: _____
 Name: AKA ARCHITECTS, INC.
11908 NORMAN VALLEY ROAD
WILF, CA
 Address: AKA ARCHITECTS, INC.
11908 NORMAN VALLEY ROAD
 Phone #: (909) 793-0877
 Project Address: 3000 E. CACHER BLVD.
IRVINE, CALIF.
 Project Name: The Boulevard at North Park
Orange/Anaheim
 Legal Description: Please refer to legal description
table on title sheet.
 Sheet Title: TITLE SHEET
 Revision 14: _____
 Revision 13: _____
 Revision 12: _____
 Revision 11: _____
 Revision 10: _____
 Revision 9: _____
 Revision 8: _____
 Revision 7: 10/02/97
 Revision 6: 04/16/98
 Revision 5: 08/27/98
 Revision 4: 04/29/99
 Revision 3: 05/29/99
 Revision 2: 09/11/99
 Revision 1: 12/09/99
 Original Date: 06/29/94
 Sheet 03 of 17 sheets
 PCD/RPO# _____



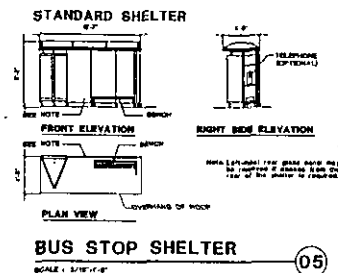
SITE ELEVATION - SOUTH SIDE
SCALE: 1/8"=1'-0"

01



SITE ELEVATION - EAST SIDE
SCALE: 1/8"=1'-0"

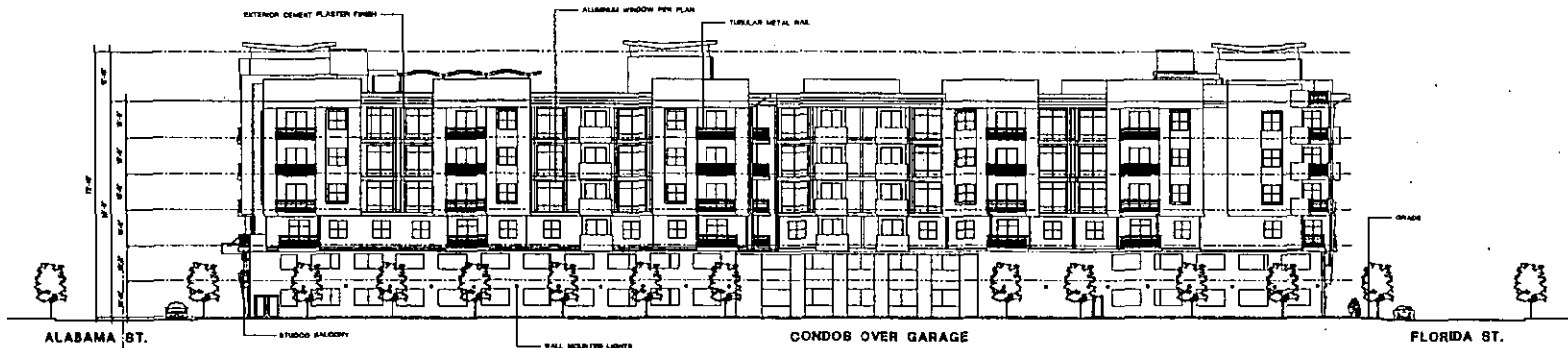
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05

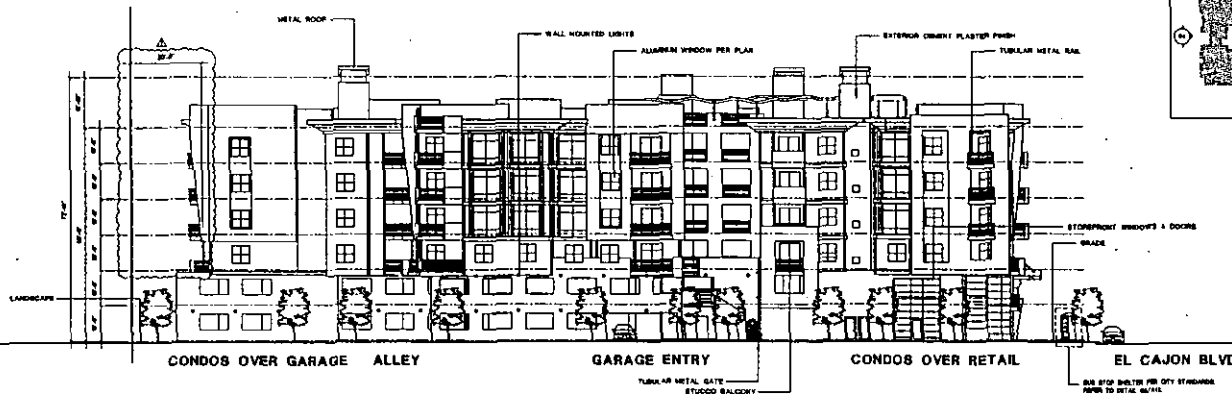
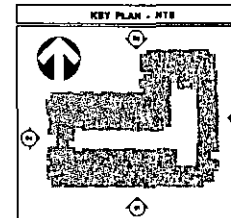
Prepared By:	ARK ARCHITECTS, INC.	Revision 14:	
Name:	11555 BOWEN VALLEY ROAD	Revision 13:	
Address:	STATE "A"	Revision 12:	
Phone #:	SAN DIEGO, CA 92121	Revision 11:	
	(619) 792-2697	Revision 10:	
Project Address:	2030 EL CAJON BLVD.	Revision 9:	
	SAN DIEGO	Revision 8:	10/21/07
Project Name:	Bus Boulevard At North Park	Revision 7:	06/13/06
	Condominiums	Revision 6:	06/29/06
Legal Description:	Parcel refer to legal description	Revision 5:	04/27/06
	100% as per plan	Revision 4:	07/25/05
Sheet Title:	SITE ELEVATIONS	Revision 3:	01/13/05
		Revision 2:	12/09/04
		Revision 1:	
Original Date:	09/29/04		
Sheet Title:	SITE ELEVATIONS		
Sheet	112	of	17
PCD/RPO#			

The Boulevard At North Park Condominiums BFC-Seabridge, LLC and AmProp North Park, LLC.



SITE ELEVATION - NORTH SIDE
SCALE: 1/8"=1'-0"

03



SITE ELEVATION - WEST SIDE
SCALE: 1/8"=1'-0"

04



The Boulevard At North Park Condominiums

BFC-Seabridge, LLC and AmProp North Park, LLC.



ARK
ARCHITECTS, INC.
11800 SOUTHWEST VALLEY ROAD
SUITE 100
SAN DIEGO, CA 92121
(619) 723-8897

Prepared By: ARK ARCHITECTS, INC.
Name: 11800 SOUTHWEST VALLEY ROAD
Address: SUITE 100
SAN DIEGO, CA 92121
Phone #: (619) 723-8897

Project Address: 2030 EL CAJON BLVD.
SAN DIEGO

Project Name: The Boulevard At North Park
Condominiums

Legal Description: Please refer to legal description
located on the title sheet.

Sheet Title: SITE ELEVATIONS

Revision 14: _____
Revision 13: _____
Revision 12: _____
Revision 11: _____
Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: 10/22/07
Revision 6: 08/11/08
Revision 5: 08/25/08
Revision 4: 01/21/09
Revision 3: 01/21/09
Revision 2: 01/21/09
Revision 1: 12/08/04

Original Date: 08/25/04

Sheet: 118 of 17 sheets

PCD/RPOM



NAME: _____

01

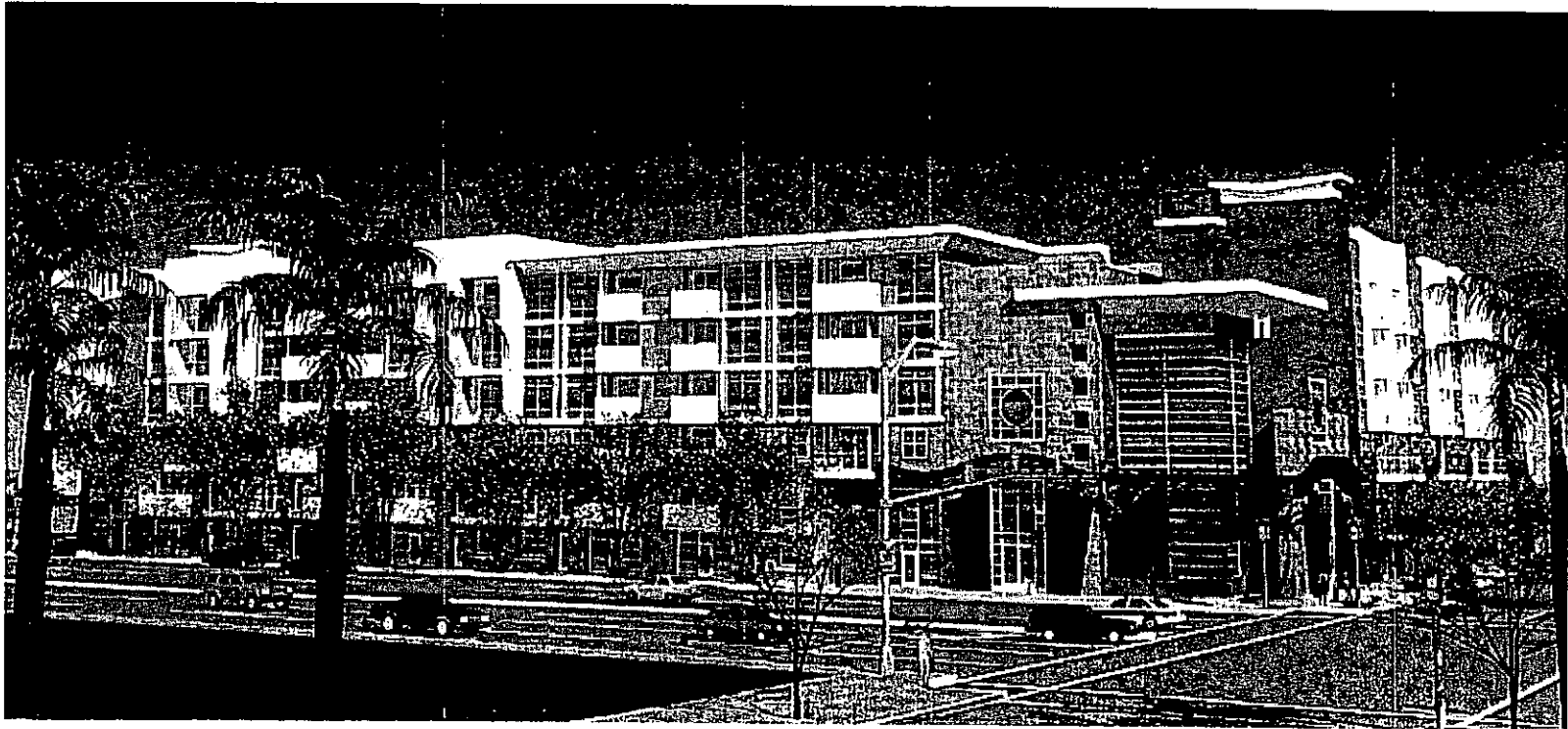


BCA12: 7-18-9

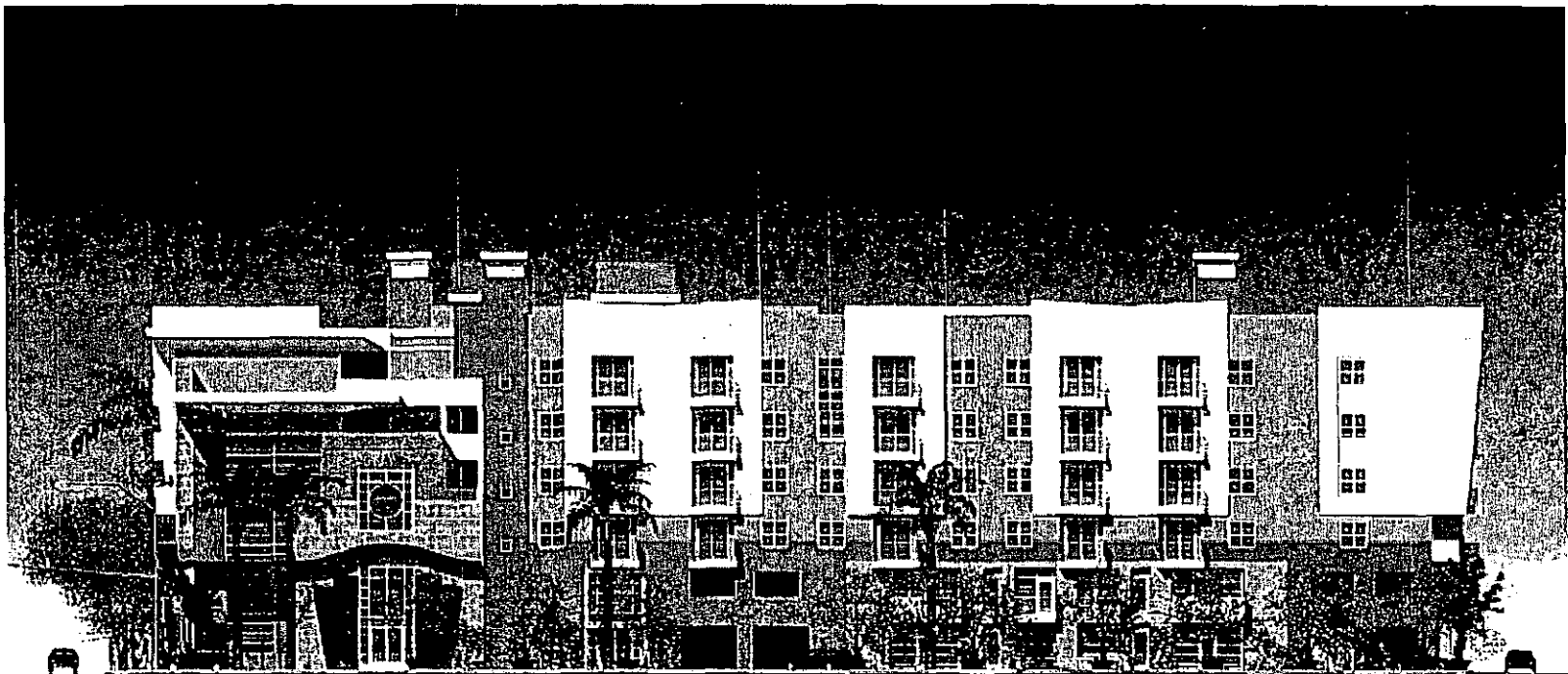
-02

BFC-Seabridge, LLC and AmProp North Park, LLC.

Original Date: 02/19/04
Sheet A16 of 17 sheets
PCD/RPO#



South Building Elevation on El Cajon Boulevard



East Building Elevation on Alabama Street



Building Elevation at Corner of El Cajon Boulevard and
Alabama Street

CITY COUNCIL
RESOLUTION NO. _____
VESTING TENTATIVE MAP NO. 540163
PUBLIC RIGHT-OF-WAY VACATION NO. 576332
EASEMENT ABANDONMENT NO. 576335
THE BOULEVARD EXTENSION OF TIME - PROJECT NO. 152061

WHEREAS, AMPROP NORTH PARK, LLC, Applicant/Subdivider, and LEPPERT ENGINEERING CORPPARTION, Engineer, submitted an application with the City of San Diego for a three-year extension of time for the previously approved Vesting Tentative Map No. 172036, Public Right-Of-Way Vacation No. 143669 and Easement Abandonment No. 188003 for the construction of 175 condominium units in a six-story building, including onsite affordable units, with mixed-use and commercial/retail space and to waive the requirement to underground existing overhead utilities. The project site is located on the north side of El Cajon Boulevard, between Florida and Alabama Streets in the CL-1 and MR-800B Zones of the Mid-City Communities Planned District, within the Greater North Park Community Plan Area.

WHEREAS, the Map proposes the subdivision of a 1.54 acre site into 175 residential condominium ownerships and two commercial condominium ownerships; and

WHEREAS, the Negative Declaration No. 49662 that was prepared for the original project remains in effect. There are no changes to the project scope and the request for an Extension of Time would not result in any environmental impacts. The activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on _____, 2008, the City Council of the City of San Diego considered Vesting Tentative Map No. 540163, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Section 125.0440 and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 540163:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span, less than a full block in length.
10. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Public Right-of-Way Vacation No. 576332:

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the action through improved use of the land made available by the vacation.
3. The vacation does not adversely affect any applicable land use plan.
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Easement Abandonment No. 576335:

1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.
2. The public will benefit from the action through improved utilization of the land made available by the abandonment.
3. The abandonment is consistent with any applicable land use plan.
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 540163, including the waiver of the requirement to underground existing overhead utilities, Public Right-of-Way Vacation No. 576332, and Easement Abandonment No. 576335 are hereby granted to AMPROP NORTH PARK LLC, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire on April 19, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.

5. The Final Map shall conform to the provisions of Site Development Permit No. 540162.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

AFFORDABLE HOUSING

7. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide onsite affordable housing units, which would meet the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

8. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

MAPPING

9. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
10. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
11. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
12. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

13. The Subdivider will be required to design and construct new 12-inch public water facilities within the Alabama Street right-of-way from El Cajon Boulevard to the northerly property boundary, in a manner satisfactory to the Water Department Director and the City Engineer.
14. The Subdivider will be required to design and construct new 12-inch by 12-inch cross connection with appropriate valves and reducers at the intersection of Florida Street and El Cajon Boulevard, in a manner satisfactory to the Water Department Director and the City Engineer.
15. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
16. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities shall be modified at final engineering to comply with standards.
17. Prior to recordation of the Final Map, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.
18. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director.

GEOLOGY

19. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

INFORMATION:

- The approval of this Vesting Tentative Map Extension of Time by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to payment of a park fee prior to the filing of the Final Map in accordance with San Diego Municipal Code.
- Subsequent applications related to this Vesting Tentative Map would be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ON _____, 2008.

By

Paul Godwin
Development Project Manager
Development Services Department

Job Order No. 43-0538

Project No. 152601
VTM No. 540163, PROW Vacation No. 576332, EA No. 576335
October 27, 2008

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-0538

SITE DEVELOPMENT PERMIT NO. 540162
EXTENSION OF TIME FOR SITE DEVELOPMENT PERMIT NO. 143667
THE BOULEVARD EXTENSION OF TIME - PROJECT NUMBER 152601
CITY COUNCIL

This Site Development Permit No. 540162, an Extension of Time to Site Development Permit No. 143667, County Recorder's Office Document No. 2005-0963372, dated April 19, 2005, is granted by the City Council of the City of San Diego to AMPROP North Park, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The 1.54 acre site is located on the north side of El Cajon Boulevard, between Florida and Alabama Streets in the CL-1 and MR-800B Zones of the Mid-City Communities Planned District, and within the North Park Redevelopment Project Area and the Greater North Park Community Plan Area. The project site is legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911 by Resolution No. 9635 of the Common Council of the City of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittee to demolish the existing structures and construct 175 units in a 6-story building, including onsite affordable units, with mixed-use and commercial/retail space described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated _____ 2008, on file in the Development Services Department.

The project or facility shall include:

- a. A six-story, 200,044-square-foot building housing 175 residential, condominium units with onsite affordable units, 5,066 square feet of retail, 14,252 square feet of mixed-use area, and 131,531 square feet of garage area on three floors;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. 8,430 square feet of private open areas (balconies), 10,891 square feet of common open areas (terraces), and 3,478 square feet of resident community area;
- d. Off-street parking facilities;
- e. Construction of an enhanced bus stop in accordance with the 1993 Metropolitan Transit Development Board (MTDB) design standards;
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
10. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.
11. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.
12. At all bus stops within the project area, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.
13. Prior to the issuance of the any building permits, the applicant shall construct an enhanced bus stop in accordance with the 1993 Metropolitan Transit Development Board (MTDB) design standards. The bus stop shall be maintained by the condominium home owner's association (HOA).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.
15. As conditions of Site Development Permit No. 540162 and Vesting Tentative Map No. 540163, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration No. 49662 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
16. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.
17. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration No. 49662 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be completed to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Noise, Public Health and Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to receiving the first residential building permit, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and the Density Bonus Affordable Housing Requirements pursuant to California Government Code Sections 65915-65918 and San Diego Municipal Code Chapter 14, Article 3, Division 7.
19. The applicant has elected to meet these requirements by selling at least 20% of the pre-density bonus units (27 units) to, and at prices affordable to, median and moderate income households: 13 of the units (4 one-bedroom units and 9 two-bedroom units) shall be affordable to households earning no more than 100% AMI with affordable housing costs not exceeding the product of 35 percent times 100 percent of area median income adjusted for family size appropriate for the unit; and 14 of the units (5 one-bedroom units and 9 two-bedroom units) shall be affordable to households earning no more than 120% AMI with affordable housing costs not exceeding the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure that the restricted units are built and sold to appropriate households.
20. The applicant may also elect to meet the requirements of the Inclusionary Affordable Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by providing 20 percent of the pre-bonus units (27 units) at rents affordable at 60 percent Area Median Income (AMI) for 55 years (15 one-bedroom units and 12 two-bedroom units); or by

providing 10 percent of the prebonus units (14 units) at rents affordable at 50 percent AMI for 55 years (8 one-bedroom units and 6 two-bedroom units).

ENGINEERING REQUIREMENTS:

21. Prior to the issuance of any construction permit, the Applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. Prior to the issuance of a building permit the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
23. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRC.
24. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
25. The drainage system proposed for this development is private and subject to approval by the City Engineer.
26. Prior to the issuance of any construction permit the Applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
27. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
28. Prior to the issuance of any building permits, the applicant shall dedicate, and assure by permit and bond the improvement of the adjacent alley including construction of a new alley apron, satisfactory to the City Engineer.

29. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of the curb with City standard curb and gutter, adjacent to the site satisfactory to the City Engineer.

30. All driveways and curb openings shall comply with City Standard Drawings G-14A , G-16 and SDG-100.

31. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance And Removal Agreement (EMRA), for all private structures proposed in the public right-of-way, including the proposed structural treatment best management practice.

32. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

33. Prior to the issuance of a building permit, the applicant shall assure by permit and bond the replacement of any damaged sidewalk adjacent to the site, satisfactory to the City Engineer.

34. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the reconstruction of existing curb ramps to current City Standards and the construction of new curb ramps at the alley entrance (both sides) adjacent to the site, satisfactory to the City Engineer.

35. Prior to commencing foundation construction, a Geologic Observation Report shall be submitted and approved by the Geology Section of the Development Services Department.

LANDSCAPE REQUIREMENTS:

30. Prior to issuance of any engineering permits for right-of-way improvements, landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

31. Prior to issuance of any engineering permits for grading, construction documents for temporary erosion control including hydroseeding shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit A (including Environmental conditions) on file in the Office of Development Services.

32. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit A, Landscape Development Plan on file in the Office of Development Services.

33. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit A Landscape Development Plan, on file in the Office of Development Services. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as landscaping area.
34. If any required landscape (including existing or new plantings, street trees, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage and prior to issuance of any Certificate of Occupancy.
35. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
36. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

PLANNING/DESIGN REQUIREMENTS:

37. No fewer than 278 automobile spaces (12 accessible), 20 motorcycle spaces, and 85 bicycle off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the San Diego Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
38. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
39. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.
40. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

41. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
42. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
43. All signs associated with this development shall be consistent with sign criteria established by either of the following:
 - a. Approved project sign plan (Exhibit "A," on file in the Development Services Department); or
 - b. Citywide sign regulations.
44. The applicant shall post a copy of the approved Site Development permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer.
45. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
46. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
47. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
48. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
49. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.
50. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," on file in the Development Services Department.

WASTEWATER REQUIREMENTS:

51. Prior to the issuance of any building permits, the developer shall abandon certain on-site public sewer mains and relocate the sewer mains to the street, satisfactory to the Metropolitan Wastewater Department Director. Any associated public easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
52. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved plans will require modification based on the accepted sewer study.
53. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be re-designed.
54. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement or public right-of-way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
55. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
56. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
57. The developer will be required to provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer facilities that serve more than one ownership.

WATER REQUIREMENTS:

58. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch public water facilities within the Alabama Street right-of-way from El Cajon Boulevard to the northerly property boundary, in a manner satisfactory to the Water Department Director and the City Engineer.
59. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch by 12-inch cross connection with appropriate valves and reducers at the intersection of Florida Street and El Cajon Boulevard, in a manner satisfactory to the Water Department Director and the City Engineer.

60. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.

61. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director and the City Engineer.

62. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

63. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

64. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____, 2008, Resolution No. _____.

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Paul Godwin
TITLE: Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

CITY COUNCIL
Resolution for Approving/Denying Permits

(R-_____)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, AMPROP North Park, LLC, Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time for Site Development Permit, No. 540162 to demolish the existing structures and construct 175 residential condominium units in a 6-story building, including onsite affordable units, with mixed-use and commercial/retail space, known as the Boulevard project, located on the north side of El Cajon Boulevard, between Florida and Alabama and legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911 by Resolution No. 9635 of the Common Council of the City of San Diego, Township Sixteen South, Range Three West, San Bernardino Base Meridian, in the Greater North Park Community Plan area, in the CL-1 and MR-800B Zones of the Mid-City Communities Planned District; and

WHEREAS, on August 7, 2008, the Planning Commission of the City of San Diego considered the three-year Extension of Time for Site Development Permit No. 540162, and pursuant to Resolution No. _____-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on _____, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 540162:

Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The Boulevard Project lies within the Mid-City Communities Planned District, the North Park Redevelopment Project Area, and the Greater North Park Community Planning area. The Community Plan encourages high density residential along El Cajon Boulevard as a part of multiple use areas, which promote the use of mass transit.

Recommendations of the Plan applicable to the site include promoting an atmosphere conducive to enhancing the pedestrian experience through wider sidewalks, uniform setbacks, enhanced landscaping within the public right-of-way, architectural detailing, usable plazas and tree plantings. According to the Plan, since El Cajon Boulevard is a major east-west transportation corridor, new development and redevelopment should occur in a manner that will eliminate or reduce reliance on mid-block driveways, which create conflicts with traffic flows. The Boulevard project proposes that no access be taken from El Cajon Boulevard.

The project proposes to provide access to parking through the rear alley and incorporate a 12-foot wide sidewalk along El Cajon Boulevard and 10-foot wide sidewalks along Florida and Alabama Streets. The project also proposes corner plazas with an area for a sidewalk café at the corner of El Cajon Boulevard at Florida Street. A uniform street tree theme would be created with 36-inch box street trees and the project proposes to maintain the existing mature eucalyptus trees along El Cajon Boulevard. The project would also include an enhanced bus stop on El Cajon Boulevard that would be maintained by the homeowner's association. The Plan also suggests that Florida Street be enhanced as a landscaped parkway between Balboa Park and the Trolley Barn Park site. The project proposes to incorporate 10-foot wide sidewalks along with enhanced landscaping and shade-producing street trees along Florida Street. Based on the proposed improvements, the proposed project would not adversely affect the recommendations embodied in the Greater North Park Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The site is approximately 1.54 acres, and stretches from Florida Street to Alabama Street along El Cajon Boulevard. The project site is within both the CL-1 and MR-800B zones of the Mid-City Communities Planned District Ordinance and lies within the North Park Redevelopment Project area and the Greater North Park Community Plan area. The site currently consists of a mix of uses, including strip retail, a used car lot, residential rentals, a church, and a paved parking lot. Surrounding the site is strip retail to the south and east, a hospital to the west, and residential to the north.

New construction would consist of 175 residential units, including: 168 condominium flats and seven (7) ground floor mixed-use lofts. The development would also include two (2) commercial spaces totaling approximately 5,066 square feet. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 278 standard parking spaces, 12 disabled spaces, 20 motorcycle spaces, and storage for 85 bicycles. The project's parking exceeds the required parking per the Municipal Code (by 11 automobile parking spaces) and does not include any tandem spaces. All proposed construction would comply with state and local codes and regulations for construction.

Mitigated Negative Declaration Number 49662 was prepared, and finalized for the project on February 15, 2005, in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program will be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: Noise, Public Health & Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

Because definitive records do not exist to verify if underground storage tanks were previously removed from the proposed project site, mitigation requirements have been specified to ensure remediation of the site to levels acceptable to the County Department of Environmental Health (DEH) for commercial and residential uses. California State law requires responsible parties (persons responsible) to take corrective actions, including investigation and remediation (cleanup) of soil and groundwater contamination caused by an unauthorized release. The results of the environmental investigation must demonstrate to the satisfaction of the DEH that the site is acceptable for residential use so that the DEH can issue a No Further Action closure letter.

Implementation of the MMRP, as further discussed in Section V of the Mitigated Negative Declaration, would mitigate potentially significant public health and safety impacts to below a level significance. As stated in the MMRP, prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the County Department of Environmental Health (DEH) verifying DEH approval that the site meets the criteria for commercial and residential uses.

Site Design Best Management Practices (BMPs) are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought tolerant landscaping, automatic programmable timers, "good housekeeping" materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. In addition, drainage from the developed portion of the project will pass through a hydrodynamic separation system before discharging into the municipal storm drain system. Therefore, the project will not be detrimental to the public health, safety, or welfare of the community.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project proposes to deviate from the San Diego Municipal Code (SDMC) requirements for height, setbacks, step-back, minimum street yard, and corner visibility area. The Mid-City Communities Planned District Ordinance (MCCPDO) allows projects to deviate from the regulations of the underlying zone, provided that the MCCPDO Site Development Permit findings can be made. Staff believes that the City Council can make the appropriate findings based on the following information.

Height

The Maximum height allowed in the MR-800 Zone is 60 feet. The project is designed with a building height of 75 feet and a maximum height of 88 feet at various tower elements. While there is no height limit within the CL-1 Zone along El Cajon Boulevard, the project was designed to spread the height across the entire project (both CL-1 and MR-800B Zones) in order to: (1) make the project more in keeping with the nature of the neighborhood, (2) lessen potential shadowing onto neighboring properties, and (3) avoid stepping up to much more expensive types of construction, which would increase the required Redevelopment Agency subsidy and, as per the applicant, render the project financially infeasible. Therefore, staff supports the requested deviation to allow the height in the CL-1 Zone (where there is no height limit) to be consistent with, and transferred to, portions of the MR-800B parcels.

Setbacks/Step-backs

The project is designed with deviations to the required setbacks along El Cajon Boulevard, Alabama Street, and Florida Street. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building. The required setback along El Cajon Boulevard is 20 feet at the ground level and an additional six feet (step-back) for every story above the story below. The building is sited at the property line with a zero foot setback at the ground level and all stories above the ground level.

The project includes commercial retail, including mixed-use (live-work style) units, along the entire El Cajon Boulevard frontage, which has a 20-foot wide sidewalk. The setback deviation along El Cajon Boulevard is requested to create a stronger interface between the sidewalk and pedestrians and the retail component, which is a key component of the North Park Community Plan. This is consistent with most of the retail areas along El Cajon Boulevard, and also reflects the current situation with the existing structures. It is also intended to enhance the urban context of this and other future projects along that stretch of the street by creating a strong street wall at the property line. Therefore, staff supports the requested setback deviation.

The project design originally included a 15-foot step-back along El Cajon Boulevard, and the north side of the structure west of the alley was an additional story in height. At staff's request, the applicant lowered the height on the north side of the development (to reduce the impact on the residential to the north). In order to retain the proposed number of units on-site, the applicant

requested, and staff supported, a deviation to the step-back requirement along El Cajon Boulevard.

The required setback along Alabama Street is six feet at the ground level and an additional six feet for every story above the story below. The building is sited at the property line with a zero foot setback at the ground, second, and third stories. The building is setback 10 feet at the fourth and fifth stories, with balconies setback at four feet.

The deviations to the setback and step-back requirements are requested along Alabama Street to implement a similar design concept to the one employed for El Cajon Boulevard, so that the retail element would be consistent as it turned the corner. The design also includes mixed-use units along Alabama Street to the north of the project entrance, and the same 20 foot sidewalk width is maintained along the entire Alabama Street frontage.

In addition, the step-back deviation would allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Alabama Street.

Additionally, the applicant has cited that meeting the setback and step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

The required setback along Florida Street is six feet at the ground level and an additional six feet for every story above the story below. The building observes the 6 foot setback at the ground level. The building is setback six feet at the second and third stories. The building is further articulated with an 11 foot setback at the fourth and fifth stories, with balconies setback seven feet.

Because Florida Street has a 10-foot parkway rather than a 20-foot parkway as on El Cajon Boulevard and Alabama Street, the proposed design honors the six-foot setback requirement and no deviation is requested. With the building set back 16 feet on Florida Street and 20 feet on El Cajon Boulevard and Alabama Street, the building will have a uniform appearance. A deviation from the six-foot step-back requirement is being requested to allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Florida Street.

Additionally, the applicant has cited that meeting the step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Street Yard Requirement

The San Diego Municipal Code Minimum Street Yard requirements along Alabama Street, Florida Street, and El Cajon Boulevard require a minimum street yard of 10,300 square feet, 25 percent of which must be landscaped. In lieu of the specific street yard requirement, the applicant is proposing the following along Alabama Street and/or El Cajon Boulevard:

1. 4,000 square feet of deck landscape area,
2. 6,500 square feet of enhanced paving area,
3. Two fountains,
4. Upsized street trees along Alabama Street (36 inch box size where 24 inch is required),
5. A seven-foot wide turf strip and seat-height planters adjacent to the curb,
6. Planting strips adjacent to the building, and
7. Tree grates for the proposed street trees.

In addition, the Applicant shall, as a condition of the building permit, construct an enhanced bus stop in accordance with the Metropolitan Transit Development Board design standards. The bus stop will be maintained by the condominium homeowner's association (HOA).

On Florida Street, the Applicant is upsizing the palms to 15 feet brown trunk height (8 feet required) and providing 6 feet of landscape area within the entire street yard (4 feet required).

On the upper levels of the building, private decks have been provided facing the streets allowing residents the opportunity to step outside and create a lively streetscape with seating and private planting areas. On the deck level within the project, planter areas have been shaped to create outdoor gathering spaces for the residents. Therefore, staff supports the requested deviation to the street yard requirement.

Corner Visibility Area

El Cajon Boulevard/Alabama Street. A deviation from the visibility triangle is requested at the corner of Alabama Street and El Cajon Boulevard, as the structure is proposed to be built to the property line. This is to enhance the urban, pedestrian-oriented feel of the project. At this intersection, a stop sign will force southbound traffic to a complete stop before proceeding. Also, the combination of 20-foot wide parkways on El Cajon Boulevard and Alabama Street and modified building design at the southeast corner of the building provide acceptable visibility area for traffic approaching the El Cajon Boulevard/Alabama Street intersection.

El Cajon Boulevard/Florida Street: A deviation from the visibility triangle is requested at the corner of Florida Street and El Cajon Boulevard, as the structure is proposed to be built to property line. This is to enhance the urban, pedestrian-oriented feel of the project. The combination of the 20-foot wide parkway on El Cajon Boulevard, the 16-foot wide parkway on Florida Street, and the modified building design at the southwest corner of the building provide an acceptable visibility area for traffic approaching the El Cajon Boulevard/Florida street intersection.

Density - The CL-1 and MR- 800B Zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 Zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B Zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately 24 units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (27 units) shall be affordable to moderate income households (household income does not exceed 120 percent of area median income). The applicant also has the option to satisfy the inclusionary housing requirements by providing 27 units at rents affordable at 60 percent of area median income or by providing 14 units at rents affordable at 50 percent of area median income. The 35 percent density bonus would permit the development of 47 additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B Zone = 24 units

CL-1 Zone = 109 units

Total Units = $133 \times 35\% = 180$ units

Other than deviations and justification for support described above, the proposed development will comply with the applicable regulations of the Land Development Code.

Findings for SDP in Mid-City Communities PDO- Section [103.1504 (h)(4) (A-F)]

- A. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District, the Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, or the General Plan of the City of San Diego.**

The Boulevard at North Park is designed to meet the purpose and intent of the Mid-City Community Planned District, The Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard. The Boulevard is located within the Greater North Park Community Plan area, which designates the site for high density residential with a commercial component. Along El Cajon Boulevard, the Community Plan encourages high density residential as part of multiple use areas serving "that residential development as well as other residential areas within walking distance," as well as taking advantage of the El Cajon Boulevard transit corridor.

The Greater North Park Community Plan designates the approximately one-acre portion of the site along El Cajon Boulevard for Commercial allowing High to Very High Residential at 55 to 75 dwelling units per acre with an opportunity to obtain a density bonus of up to 110 dwelling

units per acre based on parcel accumulation along with compliance with the Urban Design Element of the Plan. The approximately half-acre portion of the site along Alabama Street is designated for High Residential at 55 to 75 dwelling units per acre. The site could therefore accommodate between 80 and 144 residential dwelling units. In order to achieve 180 residential dwelling units on site, the applicant has requested an affordable housing density bonus.

The CL-1 and MR- 800B Zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 Zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B Zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately 24 units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (27 units) shall be affordable to moderate income households (household income does not exceed 120 percent of area median income). The applicant also has the option to satisfy the inclusionary housing requirements by providing 27 units at rents affordable at 60 percent of area median income or by providing 14 units at rents affordable at 50 percent of area median income. The 35 percent density bonus would permit the development of 47 additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B Zone = 24 units

CL-1 Zone = 109 units

Total Units = $133 \times 35\% = 180$ units

The proposed project of 175 condominium units, which includes 7 ground floor mixed-use lofts and onsite affordable units, and two commercial spaces totaling approximately 5,066 square feet, is consistent with the long range goals of the Community Plan, and implements the objectives of the Plan. The project meets the applicable zoning, is high density, multiple-use, and will have an enhanced bus stop in front of the building to encourage utilization of mass transit. The Boulevard also matches the scale and size to the surrounding area by distributing the height across the zones to minimize the impact on the neighboring properties.

As a result of the design meeting the purpose and intent of the applicable plans, the proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District, the Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, or the General Plan of the City of San Diego.

- B. The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practical.**

The Boulevard is in an area designated for high-density, mixed-use, and consists of 175 residential units, including: 168 condominium flats and seven (7) ground floor mixed-use lofts. The development will also include two (2) commercial spaces. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 278 standard parking spaces, 12 disabled spaces, 20 motorcycle spaces, and 85 bicycle storage lockers. The parking provided slightly exceeds the required parking per the Municipal Code, and all proposed construction would comply with state and local codes and regulations for construction.

The Boulevard stands approximately six (6) stories (four (4) stories residential over two (2) levels parking), or 75 feet above grade at the highest point. There is no height limit for the approximately one-acre portion of the site zoned CL-1. The approximately one-half acre portion of the site zoned MR-800B has a 60-foot height limit, when over enclosed parking. While a deviation is being requested for the height over a portion of the MR-800 zone, the project seeks to be respectful of neighboring properties by limiting the height, despite no height limit on the CL-1 zone. In addition, the height varies throughout the project and incorporates step-backs and relief points to break up the mass and scale of the project.

Included in the development plan are also infrastructure enhancements that will benefit the community. These include widening the existing alley to the City standard that will direct traffic to a signalized intersection, sewer and water line upgrades, and an enhanced bus stop.

C. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

The site is approximately 1.54 acres, and stretches from Florida Street to Alabama Street along El Cajon Boulevard. The project site is within both the CL-1 and MR-800B zones of the Mid-City Communities Planned District Ordinance and lies within the North Park Redevelopment Project area and the Greater North Park Community Plan area. The site currently consists of a mix of uses, including strip retail, a used car lot, residential rentals, a church, and a paved parking lot. Surrounding the site is strip retail to the south and east, a hospital to the west, and residential to the north.

New construction would consist of 175 residential units, including: 168 condominium flats and seven (7) ground floor mixed-use lofts. The development would also include two (2) commercial spaces totaling approximately 5,066 square feet. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 278 standard parking spaces, 12 disabled spaces, 20 motorcycle spaces, and storage for 85 bicycles. The project's parking exceeds the required parking per the Municipal Code (by 11 automobile parking spaces) and does not include any tandem spaces. All proposed construction would comply with state and local codes and regulations for construction.

Mitigated Negative Declaration Number 49662 was prepared, and finalized for the project on February 15, 2005 in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program will be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: Noise, Public Health & Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

Because definitive records do not exist to verify if underground storage tanks were previously removed from the proposed project site, mitigation requirements have been specified to ensure remediation of the site to levels acceptable to the County Department of Environmental Health (DEH) for commercial and residential uses. California State law requires responsible parties (persons responsible) to take corrective actions, including investigation and remediation (cleanup) of soil and groundwater contamination caused by an unauthorized release. The results of the environmental investigation must demonstrate to the satisfaction of the DEH that the site is acceptable for residential use so that the DEH can issue a No Further Action closure letter.

Implementation of the MMRP, as further discussed in Section V of the Mitigated Negative Declaration, would mitigate potentially significant public health and safety impacts to below a level significance. As stated in the MMRP, prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the County Department of Environmental Health (DEH) verifying DEH approval that the site meets the criteria for commercial and residential uses.

Site Design Best Management Practices (BMPs) are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought tolerant landscaping, automatic programmable timers, "good housekeeping" materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. In addition, drainage from the developed portion of the project will pass through a hydrodynamic separation system before discharging into the municipal storm drain system. Therefore, the project will not be detrimental to the public health, safety, or welfare of the community.

- D. For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by Section 103.1504(h)(1)(A)(i) or Section 103.1504(h)(1)(A)(ii), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of ten feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities.**

The proposed project is a mixed residential/commercial project not within the park-deficient neighborhoods shown on Map Number B-4104. The project does, however, provide a private community center for residents, a large landscaped courtyard with water features, and private balconies for most units.

E. In the absence of a streetlight within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on site.

The project is located between Florida and Alabama Streets along El Cajon Boulevard in an urbanized area of North Park. Street lighting is currently provided within 150 feet of the property.

F. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.

The project proposes to deviate from the San Diego Municipal Code (SDMC) requirements for height, setbacks, step-back, minimum street yard, and corner visibility area. The Mid-City Communities Planned District Ordinance (MCCPDO) allows projects to deviate from the regulations of the underlying zone, provided that the MCCPDO Site Development Permit findings can be made. Staff believes that the City Council can make the appropriate findings based on the following information.

Height

The Maximum height allowed in the MR-800 Zone is 60 feet. The project is designed with a building height of 75 feet and a maximum height of 88 feet at various tower elements. While there is no height limit within the CL-1 Zone along El Cajon Boulevard, the project was designed to spread the height across the entire project (both CL-1 and MR-800B Zones) in order to: (1) make the project more in keeping with the nature of the neighborhood, (2) lessen potential shadowing onto neighboring properties, and (3) avoid stepping up to much more expensive types of construction, which would increase the required Redevelopment Agency subsidy and, as per the applicant, render the project financially infeasible. Therefore, staff supports the requested deviation to allow the height in the CL-1 Zone (where there is no height limit) to be consistent with, and transferred to, portions of the MR-800B parcels.

Setbacks/Step-backs

The project is designed with deviations to the required setbacks along El Cajon Boulevard, Alabama Street, and Florida Street. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building. The required setback along El Cajon Boulevard is 20 feet at the ground level and an additional six feet (step-back) for every story above the story below. The building is sited at the property line with a zero-foot setback at the ground level and all stories above the ground level.

The project includes commercial retail, including mixed-use (live-work style) units, along the entire El Cajon Boulevard frontage, which has a 20-foot wide sidewalk. The setback deviation along El Cajon Boulevard is requested to create a stronger interface between the sidewalk and pedestrians and the retail component, which is a key component of the North Park Community Plan. This is consistent with most of the retail areas along El Cajon Boulevard, and also reflects the current situation with the existing structures. It is also intended to enhance the urban context of this and other future projects along that stretch of the street by creating a strong street wall at the property line. Therefore, staff supports the requested setback deviation.

The project design originally included a 15-foot step-back along El Cajon Boulevard, and the north side of the structure west of the alley was an additional story in height. At staff's request, the applicant lowered the height on the north side of the development (to reduce the impact on the residential to the north). In order to retain the proposed number of units on-site, the applicant requested, and staff supported, a deviation to the step-back requirement along El Cajon Boulevard.

The required setback along Alabama Street is six feet at the ground level and an additional six feet for every story above the story below. The building is sited at the property line with a zero foot setback at the ground, second, and third stories. The building is setback 10 feet at the fourth and fifth stories, with balconies setback at four feet.

The deviations to the setback and step-back requirements are requested along Alabama Street to implement a similar design concept to the one employed for El Cajon Boulevard, so that the retail element would be consistent as it turned the corner. The design also includes mixed-use units along Alabama Street to the north of the project entrance, and the same 20-foot sidewalk width is maintained along the entire Alabama Street frontage.

In addition, the step-back deviation would allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Alabama Street.

Additionally, the applicant has cited that meeting the setback and step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

The required setback along Florida Street is six feet at the ground level and an additional six feet for every story above the story below. The building observes the six foot setback at the ground level. The building is setback six feet at the second and third stories. The building is further articulated with an 11-foot setback at the fourth and fifth stories, with balconies setback seven feet.

Because Florida Street has a 10-foot parkway rather than a 20-foot parkway as on El Cajon Boulevard and Alabama Street, the proposed design honors the six-foot setback requirement and no deviation is requested. With the building set back 16 feet on Florida Street and 20 feet on El Cajon Boulevard and Alabama Street, the building will have a uniform appearance. A deviation from the six-foot step-back requirement is being requested to allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Florida Street.

Additionally, the applicant has cited that meeting the step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Street Yard Requirement

The San Diego Municipal Code Minimum Street Yard requirements along Alabama Street, Florida Street, and El Cajon Boulevard require a minimum street yard of 10,300 square feet, 25 percent of which must be landscaped. In lieu of the specific street yard requirement, the applicant is proposing the following along Alabama Street and/or El Cajon Boulevard:

1. 4,000 square feet of deck landscape area,
2. 6,500 square feet of enhanced paving area,
3. Two fountains,
4. Upsized street trees along Alabama Street (36 inch box size where 24 inch is required),
5. A seven-foot wide turf strip and seat-height planters adjacent to the curb,
6. Planting strips adjacent to the building, and
7. Tree grates for the proposed street trees.

In addition, the Applicant shall, as a condition of the building permit, construct an enhanced bus stop in accordance with the Metropolitan Transit Development Board design standards. The bus stop will be maintained by the condominium homeowner's association (HOA).

On Florida Street, the Applicant is upsizing the palms to 15 feet brown trunk height (8 feet required) and providing six feet of landscape area within the entire street yard (four feet required).

On the upper levels of the building, private decks have been provided facing the streets allowing residents the opportunity to step outside and create a lively streetscape with seating and private planting areas. On the deck level within the project, planter areas have been shaped to create outdoor gathering spaces for the residents. Therefore, staff supports the requested deviation to the street yard requirement.

Corner Visibility Area

El Cajon Boulevard/Alabama Street. A deviation from the visibility triangle is requested at the corner of Alabama Street and El Cajon Boulevard, as the structure is proposed to be built to the property line. This is to enhance the urban, pedestrian-oriented feel of the project. At this intersection, a stop sign will force southbound traffic to a complete stop before proceeding. Also, the combination of 20-foot wide parkways on El Cajon Boulevard and Alabama Street and modified building design at the southeast corner of the building provide acceptable visibility area for traffic approaching the El Cajon Boulevard/Alabama Street intersection.

El Cajon Boulevard/Florida Street: A deviation from the visibility triangle is requested at the corner of Florida Street and El Cajon Boulevard, as the structure is proposed to be built to property line. This is to enhance the urban, pedestrian-oriented feel of the project. The combination of the 20-foot wide parkway on El Cajon Boulevard, the 16-foot wide parkway on Florida Street, and the modified building design at the southwest corner of the building provide an acceptable visibility area for traffic approaching the El Cajon Boulevard/Florida street intersection.

Density - The CL-1 and MR- 800B Zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 Zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B Zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately 24 units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (27 units) shall be affordable to moderate income households (household income does not exceed 120 percent of area median income). The applicant also has the option to satisfy the inclusionary housing requirements by providing 27 units at rents affordable at 60 percent of area median income or by providing 14 units at rents affordable at 50 percent of area median income. The 35 percent density bonus would permit the development of 47 additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below. The project as proposed would construct 175 units.

MR 800B Zone = 24 units

CL-1 Zone = 109 units

Total Units = $133 \times 35\% = 180$ units

Other than deviations and justification for support described above, the proposed development will comply with the applicable regulations of the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 540162 is granted to AMPROP North Park, LLC, Owner/Permittee under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-_____

Reviewed by Paul Godwin

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

THE ORIGINAL OF THIS DOCUMENT
 WAS RECORDED ON NOV 04, 2005
 DOCUMENT NUMBER 2005-0963372
 GREGORY J. SMITH, COUNTY RECORDER
 SAN DIEGO COUNTY RECORDER'S OFFICE
 TIME: 2:42 PM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 143667
THE BOULEVARD [MMRP] PROJECT NO. 49662
CITY COUNCIL

This site development permit is granted by the Council of the City of San Diego to AmProp North Park, LLC., and BFC-Seabridge, LLC Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 1.54 acre site is located at on the north side of El Cajon Boulevard, at 2030 El Cajon Boulevard, between Florida and Alabama Streets in the CL-1 and MR-800B zones of the Mid-City Community Planned District, and within the North Park Redevelopment Project Area and the Greater North Park Community Plan Area. The project site is legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911 by Resolution No. 9635 of the Common Council of the City of San Diego, Township 16 South, Range 3 West, San Bernardino Base Meridian.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittee to demolish the existing structures and construct 180 units in a 7-story building, including twenty-seven affordable units, with mixed-use and commercial/retail space, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 19, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. a 7-story, 232,458 square foot building housing 180 residential, for sale, condominium units (twenty-seven affordable), 4,292 square feet of retail, 14,231 square feet of mixed-use area, and 131,980 square feet of garage area on three floors;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. 9,310 square feet of private open areas (balconies), 13,189 square feet of common open areas (terraces), and 3,592 square feet of resident community area;

ORIGINAL

- d. Off-street parking facilities;
- e. Construction of an enhanced bus stop in accordance with the 1993 Metropolitan Transit Development Board [MTDB] design standards; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

11. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

12. At all bus stops within the project area, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

13. Prior to the issuance of the any building permits, the applicant shall construct an enhanced bus stop in accordance with the 1993 Metropolitan Transit Development Board [MTDB] design standards. The bus stop shall be maintained by the condominium home owner's association [HOA].

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

15. As conditions of Site Development Permit No. 143667 and Vesting Tentative Map No. 172036, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, No. 49662 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
16. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.
17. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration No. 49662 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be completed to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Noise, Public Health and Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to receiving the first residential building permit, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and the Density Bonus Affordable Housing Requirements pursuant to California Government Code sections 65915-65918 and SDMC Chapter 14, Article 3, Division 7.
19. The applicant has elected to meet these requirements by selling at least 20 percent of the pre-density bonus units (twenty-seven units) to, and at prices affordable to, median and moderate income households: thirteen of the units (four 1-bedroom units and nine 2-bedroom units) shall be affordable to households earning no more than 100 percent AMI with affordable housing costs not exceeding the product of 35 percent times 100 percent of area median income adjusted for family size appropriate for the unit; and fourteen of the units (five 1-bedroom units and nine 2-bedroom units) shall be affordable to households earning no more than 120 percent AMI with affordable housing costs not exceeding the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure that the restricted units are built and sold to appropriate households.

ENGINEERING REQUIREMENTS:

20. Prior to the issuance of any construction permit, the Applicant shall incorporate any construction Best Management Practices [BMPs] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
21. Prior to the issuance of a building permit the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to

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requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

22. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRC.

23. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

24. The drainage system proposed for this development is private and subject to approval by the City Engineer.

25. Prior to the issuance of any construction permit the Applicant shall incorporate and show the type and location of all post-construction BMPs on the final construction drawings, in accordance with the approved Water Quality Technical Report.

26. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

27. Prior to the issuance of any building permits, the applicant shall dedicate, and assure by permit and bond the improvement of the adjacent alley including construction of a new alley apron, satisfactory to the City Engineer.

28. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of the curb with City standard curb and gutter, adjacent to the site satisfactory to the City Engineer.

29. All driveways and curb openings shall comply with City Standard Drawings G-14A, G-16 and SDG-100.

30. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance And Removal Agreement [EMRA], for all private structures proposed in the public right-of-way, including the proposed structural treatment best management practice.

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31. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
32. Prior to the issuance of a building permit, the applicant shall assure by permit and bond the replacement of any damaged sidewalk adjacent to the site, satisfactory to the City Engineer.
33. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the reconstruction of existing curb ramps to current City Standards and the construction of new curb ramps at the alley entrance (both sides) adjacent to the site, satisfactory to the City Engineer.
34. Prior to commencing foundation construction, a Geologic Observation Report shall be submitted and approved by the Geology Section of the Development Services Department.

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of any engineering permits for right-of-way improvements, landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
36. Prior to issuance of any engineering permits for grading, construction documents for temporary erosion control including hydroseeding shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Exhibit "A" (including Environmental conditions).
37. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.
38. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as landscaping area.
39. If any required landscape (including existing or new plantings, street trees, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the

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satisfaction of the City Manager within thirty days of damage and prior to issuance of any Certificate of Occupancy.

40. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

41. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees.

PLANNING/DESIGN REQUIREMENTS:

42. No fewer than 304 automobile spaces (nine accessible), twenty motorcycle spaces, and eighty-five bicycle off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

43. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

44. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

45. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

46. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

47. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

48. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," or
- b. Citywide sign regulations.

49. The applicant shall post a copy of the approved Site Development permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer.

50. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

51. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

52. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

53. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

54. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

55. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

WASTEWATER REQUIREMENTS:

56. Prior to the issuance of any building permits, the developer shall abandon certain on-site public sewer mains and relocate the sewer mains to the street, satisfactory to the Director of the Metropolitan Wastewater Department. Any associated public easements shall be vacated, satisfactory to the Director of the Metropolitan Wastewater Department.

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57. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved plans will require modification based on the accepted sewer study.
58. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be re-designed.
59. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement or public right-of-way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
60. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
61. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
62. The developer will be required to provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer facilities that serve more than one ownership.

WATER REQUIREMENTS:

63. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch public water facilities within the Alabama Street right-of-way from El Cajon Boulevard to the northerly property boundary, in a manner satisfactory to the Director of the Water Department and the City Engineer.
64. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch by 12-inch cross connection with appropriate valves and reducers at the intersection of Florida Street and El Cajon Boulevard, in a manner satisfactory to the Director of the Water Department and the City Engineer.
65. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of the Water Department and the City Engineer.
66. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Director of the Water Department and the City Engineer.

67. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

68. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

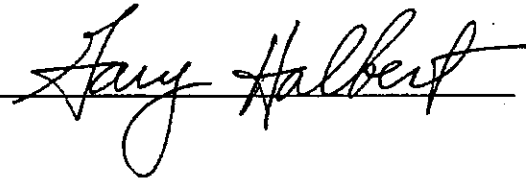
69. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Director of the Water Department and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego by Resolution No. R-300345 on April 19, 2005.

AUTHENTICATED BY THE CITY MANAGER

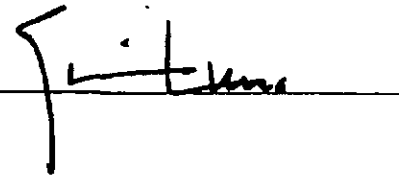
By 

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

AmProp North Park, LLC, Owner/Permittee

By 

BFC-Seabridge, LLC, Owner/Permittee

By 

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.

PERMIT/OTHER - Permit Shell 11-01-04

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

} ss.

On November 3, 2005, before me, Tracie D. Rambo-Majeed

Date

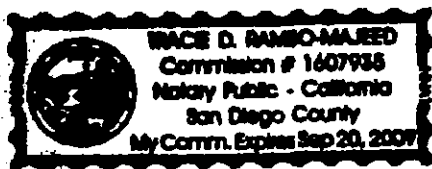
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Gary Halbert

Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Tracie D. Rambo-Majeed
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Permit (SDP) # 143667

Document Date:

April 19, 2005

Number of Pages:

11

Signer(s) Other Than Named Above:

NONE**Capacity(ies) Claimed by Signer**

Signer's Name:

Gary Halbert

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
 OF SIGNER
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SAN DIEGO

} ss.

On 10/26/05 before me, ALOHALANI A. GUERRA, NOTARY PUBLIC

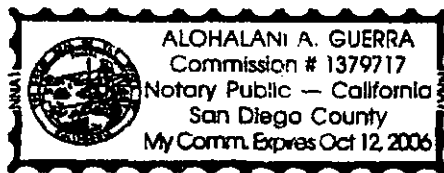
Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared J. STEPHEN QUINN

Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Alohalani A. Guerra
 Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
 OF SIGNER
 Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

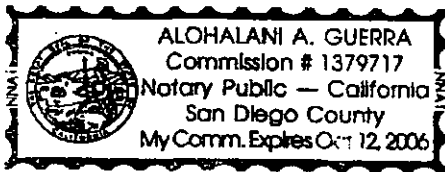
State of California }
County of SAN DIEGO } ss.

On 10/26/05 before me, ALOHALANI A. GUERRA, NOTARY PUBLIC
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared ERIC LUNA

Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Alohalani A. Guerra
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

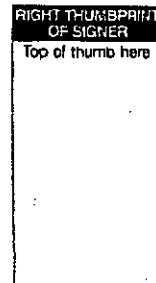
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



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(R-2005-1122 COR COPY)

RESOLUTION NUMBER R-300345

ADOPTED ON APRIL 19, 2005

WHEREAS, the Lee Mather Company, a California Corporation; the Max Christian and Hedy C. Christian Trust, Max and Hedy C. Christian, Trustees; Vernon Benson, an Individual; DeMent Family Trust, Robert R. DeMent, Trustee, Owners/AMPROP North Park, LLC, Permittee, filed an application with the City of San Diego for a site development permit to demolish the existing structures and construct 180 residential condominium units in a 7-story building, including twenty-seven affordable units, with mixed use and commercial/retail space, known as the Boulevard project, located on the north side of El Cajon Boulevard, between Florida and Alabama Streets, and legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911 by resolution No. 9635 of the Common Council of the City of San Diego, Township 16 South, Range 3 West, San Bernardino Base Meridian, in the Greater North Park Community Plan area, in the CL-1 and MR-800B zones of the Mid-City Communities Planned District; and

WHEREAS, on March 10, 2005, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] Permit No. 143667, and pursuant to Resolution No. 3691-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on April 19, 2005, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after approval of the above-referenced project by the City Council, Lee Mather Company, transferred its portion of the property (APN 445-323-15 and APN 445-323-34) to AmProp North Park, LLC, a California Limited Liability Company, as to a 62.64 percent interest and to BFC-Seabridge, LLC, a California Limited Liability Company, as to an undivided 37.36 percent interest, thereby making AmProp North Park LLC, and BFC-Seabridge, LLC, the as tenants in common, the Owners of the property; and

WHEREAS, after approval of the above-referenced project by the City Council, Max Christian and Hedy C. Christian, as Trustees of the Max Christian and Hedy C. Christian Trust, transferred its portion of the property (APN 445-323-20 and APN 445 323 21) to AmProp North Park, LLC, a California Limited Liability Company, as to a 62.64 percent interest and to BFC-Seabridge, LLC, a California Limited Liability Company, as to an undivided 37.36 percent interest, thereby making AmProp North Park LLC, and BFC-Seabridge, LLC, the as tenants in common, the Owners of the property; and

WHEREAS, after approval of the above-referenced project by the City Council, Vernon J. Benson, an unmarried man, transferred his portion of the property (APN 445-323-19) to AmProp North Park, LLC, a California Limited Liability Company, as to a 62.64 percent interest and to BFC-Seabridge, LLC, a California Limited Liability Company, as to an undivided 37.36 percent interest, thereby making AmProp North Park LLC, and BFC-Seabridge, LLC, the as tenants in common, the Owners of the property; and

WHEREAS, after approval of the above-referenced project by the City Council, Robert R. DeMent and Linda A. Dement, as Trustees of the DeMent Family Trust, as amended and restated on July 29, 2005, (formerly known as Robert R. DeMent, Trustee of the DeMent Family Trust, initially created September 16, 1998 and also known as the De Ment Family Trust of 9-18-

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88, Robert De Ment, Trustee), transferred its portion of the property (APN 445-323-23, 445-323-33, and APN 445 323 35) to AmProp North Park, LLC, a California Limited Liability Company, as to a 62.64 percent interest and to BFC-Seabridge, LLC, a California Limited Liability Company, as to an undivided 37.36 percent interest, thereby making AmProp North Park LLC, and BFC-Seabridge, LLC, the as tenants in common, the Owners of the property; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 143667:

A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0504

1. **The proposed development will not adversely affect the applicable land use plan.** The Boulevard Project lies within the Mid-City Communities Planned District, the North Park Redevelopment Project Area, and the Greater North Park Community Planning area. The Community Plan encourages high density residential along El Cajon Boulevard as a part of multiple use areas, which promote the use of mass transit.

Recommendations of the Plan applicable to the site include promoting an atmosphere conducive to enhancing the pedestrian experience through wider sidewalks, uniform setbacks, enhanced landscaping within the public right-of-way, architectural detailing, usable plazas and tree plantings. According to the Plan, since El Cajon Boulevard is a major east-west transportation corridor, new development and redevelopment should occur in a manner that will eliminate or reduce reliance on mid-block driveways, which create conflicts with traffic flows. The Boulevard project proposes that no access be taken from El Cajon Boulevard.

The project proposes to provide access to parking through the rear alley and incorporate a 12-foot wide sidewalk along El Cajon Boulevard and 10-foot wide sidewalks along Florida and Alabama Streets. The project also proposes corner plazas with an area for a sidewalk café at the corner of El Cajon Boulevard at Florida Street. A uniform street tree theme would be created with 36-inch box street trees and the project proposes to maintain the existing mature eucalyptus trees along El Cajon Boulevard. The project would also include an enhanced bus stop on El Cajon Boulevard that would be maintained by the homeowner's association. The Plan also suggests that Florida Street be enhanced as a landscaped parkway between Balboa Park and the Trolley Barn Park site. The project proposes to incorporate 10-foot wide sidewalks along with enhanced landscaping and shade-producing street trees along Florida Street. Based on the proposed improvements, the proposed project would not adversely affect the recommendations embodied in the Greater North Park Community Plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The site is approximately 1.54 acres, and stretches from Florida Street to Alabama Street along El Cajon Boulevard. The project site is within both the CL-1 and MR-800B zones of the Mid-City Communities Planned District Ordinance and lies within the North Park Redevelopment Project area and the Greater North Park Community Plan area. The site currently consists of a mix of uses, including strip retail, a used car lot, residential rentals, a church, and a paved parking lot. Surrounding the site is strip retail to the south and east, a hospital to the west, and residential to the north.

New construction would consist of 180 residential units, including: 146 market rate condominium flats, twenty-seven affordable condominium flats, and seven ground floor mixed-use lofts. The development would also include two commercial spaces totaling 4,292 square feet. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 308 standard parking spaces, nine disabled spaces, twenty motorcycle spaces, and storage for eighty-five bicycles. The project's parking exceeds the required parking per the Municipal Code (by four automobile parking spaces) and does not include any tandem spaces. All proposed construction would comply with state and local codes and regulations for construction.

Mitigated Negative Declaration No. 49662 was prepared, and finalized for the project on February 15, 2005 in accordance with the State of California Environmental Quality Act [CEQA] Guidelines. A Mitigation, Monitoring, and Reporting Program [MMRP] will be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: Noise, Public Health & Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

Because definitive records do not exist to verify if underground storage tanks were previously removed from the proposed project site, mitigation requirements have been specified to ensure remediation of the site to levels acceptable to the County Department of Environmental Health [DEH] for commercial and residential uses. California State law requires responsible parties (persons responsible) to take corrective actions, including investigation and remediation (cleanup) of soil and groundwater contamination caused by an unauthorized release. The results of the environmental investigation must demonstrate to the satisfaction of the DEH that the site is acceptable for residential use so that the DEH can issue a No Further Action closure letter.

Implementation of the MMRP, as further discussed in Section V of the Mitigated Negative Declaration, would mitigate potentially significant public health and safety impacts to below a level significance. As stated in the MMRP, prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the DEH verifying DEH approval that the site meets the criteria for commercial and residential uses.

Site Design Best Management Practices [BMPs] are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought

tolerant landscaping, automatic programmable timers, "good housekeeping" materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. In addition, drainage from the developed portion of the project will pass through a hydrodynamic separation system before discharging into the municipal storm drain system. Therefore, the project will not be detrimental to the public health, safety, or welfare of the community.

3. **The proposed development will comply with the applicable regulations of the Land Development Code.** The project proposes to deviate from the SDMC requirements for height, setbacks, step-back, minimum street yard, and corner visibility area. The Mid-City Communities Planned District Ordinance [MCCPDO] allows projects to deviate from the regulations of the underlying zone, provided that the MCCPDO Site Development Permit findings can be made. Staff believes that the Planning Commission can make the appropriate findings based on the following information.

Height

The Maximum height allowed in the MR-800 zone is 60 feet. The project is designed with a building height of 78 feet and a maximum height of 88 feet at various tower elements. While there is no height limit within the CL-1 zone along El Cajon Boulevard, the project was designed to spread the height across the entire project (both CL-1 and MR-800B zones) in order to: (1) make the project more in keeping with the nature of the neighborhood, (2) lessen potential shadowing onto neighboring properties, and (3) avoid stepping up to much more expensive types of construction, which would increase the required Redevelopment Agency subsidy and, as per the applicant, render the project financially infeasible. Therefore, staff supports the requested deviation to allow the height in the CL-1 zone (where there is no height limit) to be consistent with, and transferred to, portions of the MR-800B parcels.

Setbacks/Step-backs

The project is designed with deviations to the required setbacks along El Cajon Boulevard, Alabama Street, and Florida Street. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building. The required setback along El Cajon Boulevard is 20 feet at the ground level and an additional six feet (step-back) for every story above the story below. The building is sited at the property line with a zero foot setback at the ground level and all stories above the ground level.

The project includes commercial retail, including mixed-use (live-work style) units, along the entire El Cajon Boulevard frontage, which has a 20-foot wide sidewalk. The setback deviation along El Cajon Boulevard is requested to create a stronger interface between the sidewalk and pedestrians and the retail component, which is a key component of the North Park Community Plan. This is consistent with most of the retail areas along El Cajon Boulevard, and also reflects the current situation with the existing structures. It is also intended to enhance the urban context of this and other future projects along that stretch of the street by creating a strong street wall at the property line. Therefore, staff supports the requested setback deviation.

The project design originally included a 15-foot step-back along El Cajon Boulevard, and the north side of the structure west of the alley was an additional story in height. At staff's request, the applicant lowered the height on the north side of the development (to reduce the impact on the residential to the north). In order to retain the proposed number of units on-site, the applicant requested, and staff supported, a deviation to the step-back requirement along El Cajon Boulevard.

The required setback along Alabama Street is 6 feet at the ground level and an additional 6 feet for every story above the story below. The building is sited at the property line with a 0 foot setback at the ground, second, and third stories. The building is setback 10 feet at the fourth and fifth stories, with balconies setback at 4 feet.

The deviations to the setback and step-back requirements are requested along Alabama Street to implement a similar design concept to the one employed for El Cajon Boulevard, so that the retail element would be consistent as it turned the corner. The design also includes mixed-use units along Alabama Street to the north of the project entrance, and the same 20 foot sidewalk width is maintained along the entire Alabama Street frontage.

In addition, the step-back deviation would allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Alabama Street.

Additionally, the applicant has cited that meeting the setback and step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

The required setback along Florida Street is six feet at the ground level and an additional six feet for every story above the story below. The building observes the 6 foot setback at the ground level. The building is setback 6 feet at the second and third stories. The building is further articulated with an 11 foot setback at the fourth and fifth stories, with balconies setback 7 feet.

Because Florida Street has a 10-foot parkway rather than a 20-foot parkway as on El Cajon Boulevard and Alabama Street, the proposed design honors the 6-foot setback requirement and no deviation is requested. With the building set back 16 feet on Florida Street and 20 feet on El Cajon Boulevard and Alabama Street, the building will have a uniform appearance. A deviation from the 6-foot step-back requirement is being requested to allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Florida Street.

Additionally, the applicant has cited that meeting the step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Street Yard Requirement

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The San Diego Municipal Code Minimum Street Yard requirements along Alabama Street, Florida Street, and El Cajon Boulevard require a minimum street yard of 10,300 square feet, 25 percent of which must be landscaped. In lieu of the specific street yard requirement, the applicant is proposing the following along Alabama Street and/or El Cajon Boulevard:

1. 4,000 square feet of deck landscape area,
2. 6,500 square feet of enhanced paving area,
3. Two fountains,
4. Upsized street trees along Alabama Street (36 inch box size where 24 inch is required),
5. A 7-foot wide turf strip and seat-height planters adjacent to the curb,
6. Planting strips adjacent to the building, and
7. Tree grates for the proposed street trees.

In addition, the Applicant shall, as a condition of the building permit, construct an enhanced bus stop in accordance with the Metropolitan Transit Development Board design standards. The bus stop will be maintained by the condominium homeowner's association [HOA].

On Florida Street, the Applicant is upsizing the palms to 15 feet brown trunk height (8 feet required) and providing 6 feet of landscape area within the entire street yard (4 feet required).

On the upper levels of the building, private decks have been provided facing the streets allowing residents the opportunity to step outside and create a lively streetscape with seating and private planting areas. On the deck level within the project, planter areas have been shaped to create outdoor gathering spaces for the residents. Therefore, staff supports the requested deviation to the street yard requirement.

Corner Visibility Area

El Cajon Boulevard/Alabama Street. A deviation from the visibility triangle is requested at the corner of Alabama Street and El Cajon Boulevard, as the structure is proposed to be built to the property line. This is to enhance the urban, pedestrian-oriented feel of the project. At this intersection, a stop sign will force southbound traffic to a complete stop before proceeding. Also, the combination of 20-foot wide parkways on El Cajon Boulevard and Alabama Street and modified building design at the southeast corner of the building provide acceptable visibility area for traffic approaching the El Cajon Boulevard/Alabama Street intersection.

El Cajon Boulevard/Florida Street: A deviation from the visibility triangle is requested at the corner of Florida Street and El Cajon Boulevard, as the structure is proposed to be built to property line. This is to enhance the urban, pedestrian-oriented feel of the project. The combination of the 20-foot wide parkway on El Cajon Boulevard, the 16-foot wide parkway on Florida Street, and the modified building design at the southwest corner of the building provide

an acceptable visibility area for traffic approaching the El Cajon Boulevard/Florida street intersection.

Density - The CL-1 and MR- 800B zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately 24 units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (twenty-seven units) shall be affordable to moderate income households (household income does not exceed 120 percent of area median income). The 35 percent density bonus would permit the development of forty-seven additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B zone = twenty-four units
CL-1 zone = 109 units
Total Units = $133 \times 35\% = 180$ units

Other than deviations and justification for support described above, the proposed development will comply with the applicable regulations of the Land Development Code.

B. SITE DEVELOPMENT PERMIT IN MID-CITY COMMUNITIES PLANNED DISTRICT ORDINANCE - SDMC SECTION 103.1504(H4)(A-F)

1. The proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District, the Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, or the General Plan of the City of San Diego. The Boulevard at North Park is designed to meet the purpose and intent of the Mid-City Community Planned District, The Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard. The Boulevard is located within the Greater North Park Community Plan area, which designates the site for high density residential with a commercial component. Along El Cajon Boulevard, the Community Plan encourages high density residential as part of multiple use areas serving "that residential development as well as other residential areas within walking distance," as well as taking advantage of the El Cajon Boulevard transit corridor.

The Greater North Park Community Plan designates the approximately one-acre portion of the site along El Cajon Boulevard for Commercial allowing High to Very High Residential at fifty-five to seventy-five dwelling units per acre with an opportunity to obtain a density bonus of up to 110 dwelling units per acre based on parcel accumulation along with compliance with the Urban Design Element of the Plan. The approximately half-acre portion of the site along Alabama Street is designated for High Residential at fifty-five to seventy-five dwelling units per acre. The

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site could therefore accommodate between eighty and 144 residential dwelling units. In order to achieve 180 residential dwelling units on site, the applicant has requested an affordable housing density bonus.

The CL-1 and MR- 800B zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 Zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately twenty-four units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (twenty-seven units) shall be affordable to moderate income households (household income does not exceed 120 percent of area median income). The 35 percent density bonus would permit the development of forty-seven additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B zone = twenty-four units
 CL-1 zone = 109 units
 Total Units = 133 X 35% = 180 units

The proposed project of 180 condominium units, which includes seven ground floor mixed-use lofts and twenty-seven affordable for-sale units, and two commercial spaces totaling approximately 4,300 square feet, is consistent with the long range goals of the Community Plan, and implements the objectives of the Plan. The project meets the applicable zoning, is high density, multiple-use, and will have an enhanced bus stop in front of the building to encourage utilization of mass transit. The Boulevard also matches the scale and size to the surrounding area by distributing the height across the zones to minimize the impact on the neighboring properties.

As a result of the design meeting the purpose and intent of the applicable plans, the proposed use and project design meet the purpose and intent of the Mid-City Communities Planned District, the Greater North Park Community Plan, and The Design Study for the Commercial Revitalization of El Cajon Boulevard and will not adversely affect the Mid-City Community Plan, the Greater North Park Community Plan, or the General Plan of the City of San Diego.

2. **The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practical.** The Boulevard is in an area designated for high-density, mixed-use, and consists of 180 residential units, including: 146 market rate condominium flats, twenty-seven affordable condominium flats, and seven ground floor mixed-use lofts. The development will also include two commercial spaces. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 308 standard parking spaces, nine disabled spaces, twenty motorcycle spaces, and eighty-five bicycle storage lockers. The parking provided slightly exceeds the required parking per the

Municipal Code, and all proposed construction would comply with state and local codes and regulations for construction.

The Boulevard stands approximately seven stories (five stories residential over two levels parking), or 88 feet above grade at the highest point. There is no height limit for the approximately one-acre portion of the site zoned CL-1. The approximately one-half acre portion of the site zoned MR-800B has a 60-foot height limit, when over enclosed parking. While a deviation is being requested for the height over a portion of the MR-800 zone, the project seeks to be respectful of neighboring properties by limiting the height, despite no height limit on the CL-1 zone. In addition, the height varies throughout the project and incorporates step-backs and relief points to break up the mass and scale of the project.

Included in the development plan are also infrastructure enhancements that will benefit the community. These include widening the existing alley to the City standard that will direct traffic to a signalized intersection, sewer and water line upgrades, and an enhanced bus stop.

3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity. The site is approximately 1.54 acres, and stretches from Florida Street to Alabama Street along El Cajon Boulevard. The project site is within both the CL-1 and MR-800B zones of the Mid-City Communities Planned District Ordinance and lies within the North Park Redevelopment Project area and the Greater North Park Community Plan area. The site currently consists of a mix of uses, including strip retail, a used car lot, residential rentals, a church, and a paved parking lot. Surrounding the site is strip retail to the south and east, a hospital to the west, and residential to the north.

New construction would consist of 180 residential units, including: 146 market rate condominium flats, twenty-seven affordable condominium flats, and seven ground floor mixed-use lofts. The development would also include two commercial spaces totaling 4,292 square feet. The mixed-use lofts and commercial spaces will be a part of the semi-subterranean parking structure, which will house 308 standard parking spaces, nine disabled spaces, twenty motorcycle spaces, and storage for eighty-five bicycles. The project's parking exceeds the required parking per the Municipal Code (by four automobile parking spaces) and does not include any tandem spaces. All proposed construction would comply with state and local codes and regulations for construction.

Mitigated Negative Declaration No. 49662 was prepared, and finalized for the project on February 15, 2005 in accordance with the State of California Environmental Quality Act [CEQA] Guidelines. A MMRP will be implemented which would reduce, to below a level of significance, the potential environmental impacts identified from the environmental review process for the following resource areas: Noise, Public Health & Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

Because definitive records do not exist to verify if underground storage tanks were previously removed from the proposed project site, mitigation requirements have been specified to ensure remediation of the site to levels acceptable to the DEH for commercial and residential uses.

California State law requires responsible parties (persons responsible) to take corrective actions, including investigation and remediation (cleanup) of soil and groundwater contamination caused by an unauthorized release. The results of the environmental investigation must demonstrate to the satisfaction of the DEH that the site is acceptable for residential use so that the DEH can issue a No Further Action closure letter.

Implementation of the MMRP, as further discussed in Section V of the Mitigated Negative Declaration, would mitigate potentially significant public health and safety impacts to below a level significance. As stated in the MMRP, prior to the issuance of any building permit, the applicant must provide to the Environmental Review Manager a "No Further Action" letter or other certification from the DEH verifying DEH approval that the site meets the criteria for commercial and residential uses.

Site Design Best Management Practices [BMPs] are also incorporated in the design, and include minimizing areas of impervious footprint through efficient design, providing enclosed and covered parking, and directing roof runoff to one or more hydro-dynamic separators, where feasible. Source control BMPs include covered trash enclosures, pest resistant and drought tolerant landscaping, automatic programmable timers, "good housekeeping" materials provided to residents, and stenciled or stamped drain inlets with warnings to discourage illegal dumping or discharge into the storm drains. In addition, drainage from the developed portion of the project will pass through a hydrodynamic separation system before discharging into the municipal storm drain system. Therefore, the project will not be detrimental to the public health, safety, or welfare of the community.

4. **For residential and mixed residential/commercial projects within the park-deficient neighborhoods shown on Map Number B-4104 that are not exempted by SDMC Section 103.1504(h)(1)(A)(i) or Section 103.1504(h)(1)(A)(ii), the proposed development provides a minimum of 750 square feet of on-site usable recreational open space per dwelling unit. The on-site usable recreational open space area shall not be located within any area of the site used for vehicle parking, or ingress and egress, and shall be configured to have a minimum of ten feet in each dimension. The area will be landscaped and may also include hardscape and recreational facilities. The proposed project is a mixed residential/commercial project not within the park-deficient neighborhoods shown on Map Number B-4104. The project does, however, provide a private community center for residents, a large landscaped courtyard with water features, and private balconies for most units.**

5. **In the absence of a streetlight within 150 feet of the property, adequate neighborhood-serving security lighting consistent with the Municipal Code is provided on site. The project is located between Florida and Alabama Streets along El Cajon Boulevard in an urbanized area of North Park. Street lighting is currently provided within 150 feet of the property.**

6. **The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The project proposes to deviate from the SDMC requirements for height, setbacks, step-back, minimum street yard, and corner visibility area. The MCCPDO allows projects to deviate from the regulations of the underlying zone, provided that the MCCPDO Site**

Development Permit findings can be made. Staff believes that the Planning Commission can make the appropriate findings based on the following information.

Height

The Maximum height allowed in the MR-800 zone is 60 feet. The project is designed with a building height of 78 feet and a maximum height of 88 feet at various tower elements. While there is no height limit within the CL-1 zone along El Cajon Boulevard, the project was designed to spread the height across the entire project (both CL-1 and MR-800B zones) in order to:

(1) make the project more in keeping with the nature of the neighborhood, (2) lessen potential shadowing onto neighboring properties, and (3) avoid stepping up to much more expensive types of construction, which would increase the required Redevelopment Agency subsidy and, as per the applicant, render the project financially infeasible. Therefore, staff supports the requested deviation to allow the height in the CL-1 zone (where there is no height limit) to be consistent with, and transferred to, portions of the MR-800B parcels.

Setbacks/Step-backs

The project is designed with deviations to the required setbacks along El Cajon Boulevard, Alabama Street, and Florida Street. These deviations allow for a pedestrian-oriented and friendly environment, increased street presence, appropriate massing, and a more articulated building. The required setback along El Cajon Boulevard is 20 feet at the ground level and an additional six feet (step-back) for every story above the story below. The building is sited at the property line with a zero-foot setback at the ground level and all stories above the ground level.

The project includes commercial retail, including mixed-use (live-work style) units, along the entire El Cajon Boulevard frontage, which has a 20-foot wide sidewalk. The setback deviation along El Cajon Boulevard is requested to create a stronger interface between the sidewalk and pedestrians and the retail component, which is a key component of the North Park Community Plan. This is consistent with most of the retail areas along El Cajon Boulevard, and also reflects the current situation with the existing structures. It is also intended to enhance the urban context of this and other future projects along that stretch of the street by creating a strong street wall at the property line. Therefore, staff supports the requested setback deviation.

The project design originally included a 15-foot step-back along El Cajon Boulevard, and the north side of the structure west of the alley was an additional story in height. At staff's request, the applicant lowered the height on the north side of the development (to reduce the impact on the residential to the north). In order to retain the proposed number of units on-site, the applicant requested, and staff supported, a deviation to the step-back requirement along El Cajon Boulevard.

The required setback along Alabama Street is six feet at the ground level and an additional six feet for every story above the story below. The building is sited at the property line with a zero foot setback at the ground, second, and third stories. The building is setback 10 feet at the fourth and fifth stories, with balconies setback at 4 feet.

The deviations to the setback and step-back requirements are requested along Alabama Street to implement a similar design concept to the one employed for El Cajon Boulevard, so that the

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retail element would be consistent as it turned the corner. The design also includes mixed-use units along Alabama Street to the north of the project entrance, and the same 20-foot sidewalk width is maintained along the entire Alabama Street frontage.

In addition, the step-back deviation would allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Alabama Street.

Additionally, the applicant has cited that meeting the setback and step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

The required setback along Florida Street is 6 feet at the ground level and an additional 6 feet for every story above the story below. The building observes the 6-foot setback at the ground level. The building is setback 6 feet at the second and third stories. The building is further articulated with an 11-foot setback at the fourth and fifth stories, with balconies setback 7 feet.

Because Florida Street has a 10-foot parkway rather than a 20-foot parkway as on El Cajon Boulevard and Alabama Street, the proposed design honors the six-foot setback requirement and no deviation is requested. With the building set back 16 feet on Florida Street and 20 feet on El Cajon Boulevard and Alabama Street, the building will have a uniform appearance. A deviation from the six-foot step-back requirement is being requested to allow for consistency of the street wall, massing, and project design elements, while maintaining greater consistency and harmony with the elevation along El Cajon Boulevard. For these reasons staff supports the requested deviations along Florida Street.

Additionally, the applicant has cited that meeting the step-back requirements would render the project financially infeasible due to the increase costs associated with unit stacking requirements, a reduction in the saleable square footage of the buildings, and the associated increase in required Redevelopment Agency subsidies.

Street Yard Requirement

The San Diego Municipal Code Minimum Street Yard requirements along Alabama Street, Florida Street, and El Cajon Boulevard require a minimum street yard of 10,300 square feet, 25 percent of which must be landscaped. In lieu of the specific street yard requirement, the applicant is proposing the following along Alabama Street and/or El Cajon Boulevard:

1. 4,000 square feet of deck landscape area,
2. 6,500 square feet of enhanced paving area,
3. Two fountains,
4. Upsized street trees along Alabama Street (36 inch box size where 24 inch is required),

5. A 7-foot wide turf strip and seat-height planters adjacent to the curb,
6. Planting strips adjacent to the building, and
7. Tree grates for the proposed street trees.

In addition, the Applicant shall, as a condition of the building permit, construct an enhanced bus stop in accordance with the Metropolitan Transit Development Board design standards. The bus stop will be maintained by the condominium homeowner's association [HOA].

On Florida Street, the Applicant is upsizing the palms to 15 feet brown trunk height (8 feet required) and providing 6 feet of landscape area within the entire street yard (four feet required).

On the upper levels of the building, private decks have been provided facing the streets allowing residents the opportunity to step outside and create a lively streetscape with seating and private planting areas. On the deck level within the project, planter areas have been shaped to create outdoor gathering spaces for the residents. Therefore, staff supports the requested deviation to the street yard requirement.

Corner Visibility Area

El Cajon Boulevard/Alabama Street. A deviation from the visibility triangle is requested at the corner of Alabama Street and El Cajon Boulevard, as the structure is proposed to be built to the property line. This is to enhance the urban, pedestrian-oriented feel of the project. At this intersection, a stop sign will force southbound traffic to a complete stop before proceeding. Also, the combination of 20-foot wide parkways on El Cajon Boulevard and Alabama Street and modified building design at the southeast corner of the building provide acceptable visibility area for traffic approaching the El Cajon Boulevard/Alabama Street intersection.

El Cajon Boulevard/Florida Street: A deviation from the visibility triangle is requested at the corner of Florida Street and El Cajon Boulevard, as the structure is proposed to be built to property line. This is to enhance the urban, pedestrian-oriented feel of the project. The combination of the 20-foot wide parkway on El Cajon Boulevard, the 16-foot wide parkway on Florida Street, and the modified building design at the southwest corner of the building provide an acceptable visibility area for traffic approaching the El Cajon Boulevard/Florida street intersection.

Density - The CL-1 and MR- 800B zones of the Mid-City Communities Planned District Ordinance allow for the development of 133 residential units on the 1.54-acre site. The CL-1 zone allows the development of one residential unit per every 400 square feet, which for the subject project (43,387 square feet), would result in approximately 109 units. The MR-800B zone allows the development of one residential unit per every 800 square feet, which for the subject project (19,517 square feet) results in approximately 24 units.

The Density Bonus regulations applicable to this project entitle the applicant to a 35 percent density bonus for residential development by entering into an agreement with the San Diego Housing Commission to ensure that at least 20 percent of the pre-bonus units in the development (27 units) shall be affordable to moderate income households (household income does not

exceed 120 percent of area median income). The 35 percent density bonus would permit the development of forty-seven additional units beyond the underlying zoning of 133 units, for a total of 180 units, as shown below.

MR 800B zone = 24 units

CL-1 zone = 109 units

Total Units = 133 X 35% = 180 units

Other than deviations and justification for support described above, the proposed development will comply with the applicable regulations of the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 143667 is granted to AMPROP North Park, LLC, and BFC-Seabridge, LLC, Owners/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Douglas K. Humphreys
Deputy City Attorney

WWW:DKH:pev

04/29/05

09/20/05

Or.Dept:Clerk

R-2005-1122

MMS #1701

PERMIT - Permit Resolution 11-01-04

000696

Passed and adopted by the Council of The City of San Diego on April 19, 2005, by the following vote:

YEAS: PETERS, ZUCCHET, ATKINS, YOUNG, MAIENSCHIN, FRYE,
MADAFFER, INZUNZA, & MAYOR MURPHY.

NAYS: NONE.

NOT PRESENT: NONE.

VACANT: NONE.

AUTHENTICATED BY:

DICK MURPHY

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(Seal)

By: GIL SANCHEZ, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. R-300345, passed and adopted by the Council of The City of San
Diego, California on April 19, 2005.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(SEAL)

By:  _____, Deputy

ORIGINAL

DEVELOPMENT SERVICES
Project Chronology
BOULEVARD EOT - PROJECT NO. 152601

Date	Action	Description	City Review Time	Applicant Response
3/10/05	Planning Commission Hearing	Planning Commission recommends approval of original project to City Council	--	--
4/16/05	City Council Hearing	City Council approves original project	--	--
9/12/06	Applicant submits for Substantial Conformance Review	Project reduced by five units, becomes six stories instead of seven, inclusionary housing clarified	--	--
4/24/06	Staff approves the Substantial Conformance Request		--	--
3/19/08	Applicant Submits EOT Application	City staff performs first review of EOT Application	--	--
4/21/08	First Assessment Letter	First assessment letter sent to applicant	33 days	
4/22/08	Second Submittal	Applicant's response to first assessment letter		1 day
6/18/08	Issues Resolved		57 days	
8/7/08	Public Hearing-Planning Commission	Planning Commission Hearing – first available date	50 days	
TOTAL STAFF TIME			140 days	
TOTAL APPLICANT TIME				1 day
TOTAL PROJECT RUNNING TIME		From Deemed Complete to PC Hearing	141 days	

000698

NORTH PARK PLANNING COMMITTEE
(Greater North Park Community Planning Committee)
 2901 NORTH PARK WAY, 2ND FLOOR
 P.O. BOX 4825, SAN DIEGO, CA 92164
DRAFT MINUTES: June 17, 2008

- I. Called to Order:** 6:33 pm.
- II. In Attendance:** Rob Steppke, Steve Chipp, Judith O'Boyle, Dean Petersen, Elizabeth Studebaker, Rene Vidales, Stephen Whitburn, Kitty Callen, Gayle Richardson, Carl Moczyldowski, Keoni Rosa, John Feher.
Absent: Salvador Arechiga, Jessica Kellett, Christy Scannell.
- III. Chair's Report**
 1. Bylaws approved that allow for appointment of board vacancy. Election committee chair- Gayle Richardson, vice-chair Liz Studebaker.
 2. 6th update to Land Development Code continued by PC to July 10, 2008.
- IV. Approval of May 20, 2008 minutes**
 1. Re: Quarry Falls, add recommendation to underground utilities under Texas Street.
 2. Re: Park Terrace motion language, change "support of" to "including".
 3. Motion to approve May 20, 2008 minutes tabled until July 15, 2008 meeting. **Steppke/Whitburn 10-0-1.**
- V. Treasurer's Report:** Account balance- \$488.72. Bank statements to be mailed to 3939 Arizona Street, San Diego, CA, 92104.
- VI. Announcements**
 1. Old House Fair, Sat., June 29, South Park, 30th & Beech, with vendors and tours.
 2. Balboa Park Committee report moved to front of agenda.
- VII. Balboa Park Committee Report**
 1. San Diego River Park meeting on June 18.
- VIII. Planner's Report.** Marlin Pangilinan, 619-235-5293, mpangilinan@sanidiego.gov. The City continues to work on the RFP for the Community Plan Update
- IX. Non Agenda Public Comment**
 1. Lynn Elliott announced start of Summer concert series beginning Saturday, June 21, 5:30 p.m. at Bird Park.
- X. Officials' Report**
 1. Nick Norvell (rep for Susan Davis, US Congressional District 53): Nick discussed the following: mortgage crisis bill is currently in negotiations; Congresswoman Davis voted in favor of EPA waiver to encourage stronger gas mileage standards; check the IRS website for stimulus package check updates.
 2. Jason Weisz (rep for Christine Kehoe, CA State Senate District 39): Jason announced hands free cell phone law goes into effect on July 1, and the California budget is late, as usual since 2000.
 3. Kirsten Clemons (rep for Lori Saldana, CA State Assembly District 76): Kirsten announced the following: California budget negotiations continuing and June 19 town hall meeting to discuss proposed budget cuts.

000699

4. Monica Pelaez (rep for Toni Atkins, City Council District 3): Monica announced that the Mayor vetoed the proposed budget and 5 City Council votes are required to override the veto. Steve Hill will replace Monica at the NPPC meetings beginning July 15.

XI. Consent Agenda- None

XII. Action Items

1. The Boulevard at 2030 El Cajon Blvd.

Steve Quinn and Tim Baker presented revisions to previously NPPC approved plans, including changes to number of stories (from 5 to 4), building height, number of residential units (180 to 175), number of parking spaces (267 to 277) and type of construction (stick built now). Mr. Quinn emphasized increased parking by 10 spaces, retaining similar color scheme, and LEED certification. 27 affordable housing units proposed. Applicant unsure if project will offer units for sale or for rent. Concerns included minimum LEED points obtained (26 points), which is arguably not enough. **Motion: Project approved as presented. Rosa/Callen 11-0-0.**

2. North Park Planning Committee Website Enhancements.

Elaine Boyd explained that approximately \$3000 remains from the County of San Diego/Ron Roberts website grant. Proposed website enhancements include a walking map of North Park, then vs. now photographs of historic structures, links to other sites and possibly copies of building permit information. **Motion: proceed with website enhancements including walking map and then vs. now photographs. O'Boyle/Callen 9-0-2 (Moczydlowski/Rosa abstained).**

3. NPPC Letter to Mayor's Office and San Diego Grand Jury Re: Historical Designations and Mills Act

Carl Moczydlowski presented proposed letters to the City and the Grand Jury in opposition to staff recommendations at June 6, 2008 workshop. Rob Steppke presented similar letter to City. Concern over language and presentation of arguments contained in letters. **Motion: Approve letter to grand jury. O'Boyle/Studebaker 11-0. Motion: Approve Steppke's letter to the City with 10 year renewal provision addition. O'Boyle/Callen 9-0-2 (Chipp/Richardson abstained).**

XIII. Information Item

1. **City of San Diego Phase 2/3 Pedestrian Master Plan.** Maureen Gardner and Sherry Ryan presented phase 2 and 3 plan to identify deficiencies and make project recommendations re: identifying unsafe pedestrian crossings and pedestrian pathways. Pedestrian improvements in cost effective and highest priority areas targeted. Future workshop in November 2008.
2. **Safe Streets Now (North Park Smokeshops).** Leo Wilson presented information addressing smokeshop concerns, including nuisance and illegal drug activity in areas surrounding smokeshops. Also, concern that smokeshops sell paraphernalia used for hardcore drugs. Proposed plan addressing concerns includes proposed new ordinance, increased law enforcement and collaboration with Safe Streets Now.
3. **Letter to Uptown Planners.** Addressing prior inappropriate comments made by member of NPPC board and letter of apology. **Motion: Letter approved. Callen/Vidales 10-1-0 (O'Boyle opposed)**

XIV. Subcommittee Reports

1. **Urban Design/Project Review,** Judith O'Boyle/Jessica Kellett. Arbor Crest rental project will be presented soon for input.
2. **Public Facilities/Public Art,** Sal Arechiga/Rene Vidales. There is a new transportation representative at the City.
3. **Policy/Community Relations,** Gayle Richardson appointed to elections committee.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☒ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☒ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☒ Other Extension of Time

Project Title

The Boulevard

Project No. For City Use Only

152601

Project Address:

2002-2040 El Cajon Blvd

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☒ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

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Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

000701

Project Title: The Boulevard	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☒ Corporation
 ☒ Limited Liability -or-
 ☐ General) What State? CA
 Corporate Identification No. 200410010173
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☐ No

<div style="border-bottom: 1px solid black; margin-bottom: 5px;">Corporate/Partnership Name (type or print): AmProp North Park, LLC</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Street Address: 5465 Morehouse Dr, Ste 200</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">City/State/Zip: San Diego CA 92121</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Phone No: Fax No: (858) 546-7474 (858) 546-7472</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Name of Corporate Officer/Partner (type or print): Steve Quinn</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Title (type or print): President/CEO</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Signature : Date: <u>3/7/08</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Corporate/Partnership Name (type or print):</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Street Address:</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">City/State/Zip:</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Phone No: Fax No:</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Name of Corporate Officer/Partner (type or print):</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Title (type or print):</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Signature : Date:</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Corporate/Partnership Name (type or print):</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee</div> <div style="border-bottom: 1px solid black; 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**OWNERSHIP DISCLOSURE STATEMENT
INFORMATION:**

AmProp North Park, LLC, Owner

Members:

James Stephen Quinn, President
Pamela F. Bellamy, Vice President
J. Timothy Baker, Vice President

000703 REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO				1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): DEVELOPMENT SERVICES DEPARTMENT		3. DATE: 9/18/08			
4. SUBJECT: THE BOULEVARD EXTENSION OF TIME – PTS NO. 152601							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Paul Godwin, (619) 446-5103, MS 501		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Renee Mezo, (619) 446-5001, MS 501		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST: A deposit has been collected from the applicant to cover all costs associated with processing the proposed project. No Fiscal Impact.			
DEPT.	1300						
ORGANIZATION	1672						
OBJECT ACCOUNT	4038						
JOB ORDER	43-0538						
C.I.P. NUMBER							
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	9/18/08	8	DEPUTY CHIEF	WILLIAM ANDERSON	9/23/08
2	EAS	KEN BASLEY	9/18/08	9	COO		
3				10	CITY ATTORNEY		9/30/08
4	CFO			11	ORIG. DEPT	MIKE WESTLAKE	9/18/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____ <input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
6							
7							
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S) Resolutions approving an Extension of Time for Site Development Permit No. 540162, Vesting Tentative Map No. 540163, Public Right-of-Way Vacation No. 576332 and Easement Abandonment No. 576335.							
11A. STAFF RECOMMENDATIONS: Approve the resolutions.							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) <u>COUNCIL DISTRICT(S):</u> 3 <u>COMMUNITY AREA(S):</u> GREATER NORTH PARK <u>ENVIRONMENTAL IMPACT:</u> THE EXTENSION OF TIME IS COVERED UNDER THE BOULEVARD, PERMIT NUMBER 143667. THE PROJECT IS ADEQUATELY ADDRESSED IN MITIGATED NEGATIVE DECLARATION NO. 49662, DATED FEBRUARY 15, 2005. THERE ARE NO CHANGES IN CIRCUMSTANCE, ADDITIONAL INFORMATION OR PROJECT CHANGES TO WARRANT ADDITIONAL ENVIRONMENTAL REVIEW. THEREFORE THE EXTENSION OF TIME IS NOT A SEPARATE PROJECT FOR PURPOSES OF CEQA REVIEW PURSUANT TO STATE CEQA GUIDELINES SECTION 15060 (C) (3). <u>HOUSING IMPACT:</u> ACCORDING TO THE GREATER NORTH PARK COMMUNITY PLAN, THE SITE COULD ACCOMMODATE BETWEEN 80 AND 144 RESIDENTIAL DWELLING UNITS. IN ORDER TO ACHIEVE 175 RESIDENTIAL DWELLING UNITS ONSITE, THE APPLICANT HAS ELECTED TO MEET THE REQUIREMENTS OF BOTH THE INCLUSIONARY HOUSING ORDINANCE AND THE DENSITY BONUS REQUIREMENTS BY INCLUDING AN ONSITE AFFORDABLE COMPONENT. AS ALLOWED BY THE INCLUSIONARY HOUSING ORDINANCE, THE APPLICANT HAS THE OPTION TO PROVIDE EITHER FOR-RENT OR FOR-SALE AFFORDABLE UNITS, THE NUMBER OF WHICH IS DEPENDENT ON THE AFFORDABILITY LEVEL PROVIDED, AS OUTLINED IN THE SITE DEVELOPMENT PERMIT CONDITIONS <u>OTHER ISSUES:</u> NONE							

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 1, 2008

REPORT NO.: PC -08-049

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: The Boulevard Extension of Time, PTS Project Number 152601

COUNCIL DISTRICT(S): 3

STAFF CONTACT: Paul Godwin, (619) 446-5103, pgodwin@san Diego.govREQUESTED ACTION:

A three-year Extension of Time for a previously approved mixed-use development consisting of 175 residential units, including onsite affordable housing and commercial space on a 1.54-acre site located on the north side of El Cajon Boulevard, between Florida Street and Alabama Street, within the Greater North Park Community Plan area.

STAFF RECOMMENDATION:

Recommend that the City Council approve Site Development Permit No. 540162, Vesting Tentative Map No. 540163, Public Right-of-Way Vacation No. 576332 and Easement Abandonment No. 576335, to allow a three-year Extension of Time to Site Development Permit No. 143667, Vesting Tentative Map No. 172036, Public Right-of-Way Vacation No. 143669 and Easement Abandonment No. 188003.

EXECUTIVE SUMMARY:

The 1.54-acre site is located on the north side of El Cajon Boulevard between Florida Street and Alabama Street, in the CL-1 and MR-800B zones of the Mid-City Communities Planned District Ordinance, the Transit Area Overlay Zone, the Residential Tandem Parking Area Overlay Zone and the FAA Part 77 Noticing area, within the Greater North Park Community Plan area. Approval of the requested Extension of Time would extend the expiration date of the previously approved permits by three years.

The previously approved project allowed the demolition of existing structures and the construction of a seven-story, mixed-use structure with 180 residential units (including seven live/work units) and two commercial units. The project also included 308 structured parking spaces and the provision of onsite affordable housing units, as described in detail in the attached Planning Commission Report No. PC-05-052, dated March 3, 2005 (Attachment 5).

On September 12, 2006, the applicant requested a Substantial Conformance Review (SCR), which was approved by Development Services on October 18, 2007. This SCR allowed a reduction of five residential units, for a total of 175 units where 180 units were previously approved and allowed 96 one-bedroom units where 60 units were previously approved and 72 two-bedroom units where 113 were previously approved. The seven live/work units and two commercial units would remain part of the project. This reduction in units resulted in the removal of one story, creating four residential stories above parking where five stories were previously approved. The unit reduction also created a new parking requirement of 267 spaces where 304 spaces were previously required. The applicant would provide 278 parking spaces, which is 11 spaces more than required.

The SCR also included a clarification of the inclusionary housing requirements for this project. The original Site Development Permit included a condition that the applicant provide 27 for-sale affordable housing units, to be available to households earning between 100 and 120 percent of the Area Median Income (AMI). The approved SCR clarified that the applicant could also satisfy the affordable housing requirement by providing for-rent affordable housing units to households earning between 50 and 60 percent AMI. This option is allowed under the Inclusionary Housing Ordinance and was reviewed and approved by Development Services and by San Diego Housing Commission staff.

The Site Development Permit Resolution and the Vesting Tentative Map Resolution included with this Extension of Time application have been updated to reflect the approved SCR described above.

FISCAL CONSIDERATIONS:

All costs associated with processing this project are recovered from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On April 19, 2005, the City Council voted 9-0 to approve the project.

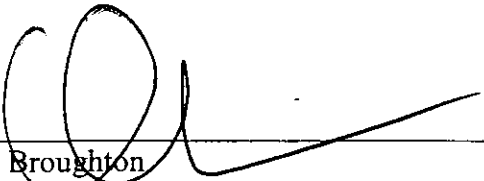
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

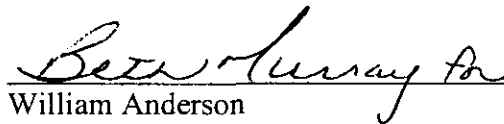
Planning Commission: On March 10, 2005, the Planning Commission voted 6-0-0 to recommend approval of the project to the City Council. On August 7, 2008, the Planning Commission voted 5-0-2, on consent, to recommend approval of the Extension of Time request to the City Council.

Community Planning Group: On January 18, 2005, the Greater North Park Community Planning Group voted 12-0-1 to recommend approval of the project. On June 17, 2008, the Greater North Park Community Planning Group voted 11-0-0 to recommend approval of the Extension of Time request.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

AmProp North Park, LLC, Owner & American Property Enterprises, Applicant


Kelly Broughton
Director, Development Services Department


William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning
and Development

ATTACHMENTS:

1. Report to the Planning Commission No. PC-08-049, with attachments
2. Planning Commission Recommendation to City Council Resolution No. 4439-PC

RESOLUTION NUMBER R-_____

ADOPTED ON _____

A RESOLUTION GRANTING APPROVAL OF
SITE DEVELOPMENT PERMIT NO. 143667, TO ALLOW A
THREE (3) YEAR EXTENSION OF TIME FOR
SITE DEVELOPMENT PERMIT NO. 540162,
THE BOULEVARD PROJECT

WHEREAS, AMPROP North Park, LLC, Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time for a Site Development Permit to demolish the existing structures and construct 175 residential condominium units in a 6-story building, including onsite affordable units, with mixed-use and commercial/retail space, known as the Boulevard project, located on the north side of El Cajon Boulevard, between Florida and Alabama and legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911 by Resolution No. 9635 of the Common Council of the City of San Diego, Township Sixteen South, Range Three West, San Bernardino Base Meridian, in the Greater North Park Community Plan area, in the CL-1 and MR-800B Zones of the Mid-City Communities Planned District; and

WHEREAS, on August 7, 2008, the Planning Commission of the City of San Diego considered Site Development Permit No. 540162, a three-year Extension of Time to Site Development Permit No. 143667, and pursuant to Resolution No. 4439-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on _____, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Site Development Permit No. 540162, an extension of time to Site Development Permit No. 143667:

EXTENSION OF TIME OF A DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL [SDMC] SECTION 126.0111

1. New conditions are necessary to protect the health or safety of the residents of the development to the immediate community. The Owner/Permittee requests an extension of time to Site Development Permit [SDP] No. 143667 and does not request any changes to the proposed development layout approved by City Council on April 19, 2005 by Resolution Numbers R-300344 and R-300345. The project as originally approved and without any new conditions would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health or safety.

2. New conditions are necessary to comply with applicable state or federal law. The development's SDP No. 143667 was approved by City Council on April 19, 2005 by Resolution Numbers R-300344 and R-300345. There are no new conditions being added to the permit. No new conditions are required to comply with state or federal law.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Site Development Permit No. 540162, an extension of time to Site Development Permit No. 143667, is granted to AMPROP North Park, LLC, Owner/Permittee under the terms and conditions set forth in the permit attached hereto and made a part hereof.

000709

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-_____

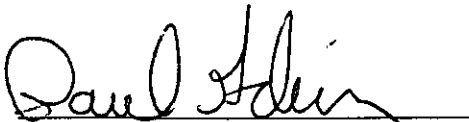
PLANNING COMMISSION RESOLUTION NO. 4439-PC
 RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
 EXTENSION OF TIME FOR SITE DEVELOPMENT PERMIT, NO. 540162;
 VESTING TENTATIVE MAP, NO. 540163; EASEMENT ABANDONMENT NO. 576335;
 AND PUBLIC RIGHT-OF-WAY VACATION, NO. 576332
 PROJECT NO. 152601

WHEREAS, on August 7, 2008, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval of a three-year Extension of Time for Site Development Permit, No. 540162; Vesting Tentative Map, No. 540163; Easement Abandonment No. 576335; and Public Right-Of-Way Vacation, No. 576332; and

WHEREAS, AMPROP North Park, LLC, Owner/Permittee, requested an Extension of Time for Site Development Permit, No. 540162; Vesting Tentative Map, No. 540163; Easement Abandonment No. 576335; and Public Right-Of-Way Vacation, No. 576332; to allow for the demolition of 10 existing structures and the construction of 175 multifamily residential units in a six-story building, including onsite affordable units, with mixed-use and commercial/retail space, known as Boulevard Project, located on the north side of El Cajon Boulevard, between Florida and Alabama Streets in the CL-1 and MR-800B Zones of the Mid-City Communities Planned District, and within the North Park Redevelopment Project Area and the Greater North Park Community Plan Area; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW HEREOF,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends approval of a three-year Extension of time for Site Development Permit, No. 540162; Vesting Tentative Map, No. 540163; Easement Abandonment No. 576335; and Public Right-Of-Way Vacation, No. 576332, and incorporate all other listed actions.



Paul Godwin
 Development Project Manager
 Development Services Department



Elisa Contreras
 Planning Commission Liaison

Dated August 7, 2008
 By a vote of: 5-0-2

00 100 100 100

CITY COUNCIL
RESOLUTION NO. _____
VESTING TENTATIVE MAP NO. 540163
PUBLIC RIGHT-OF-WAY VACATION NO. 576332
EASEMENT ABANDONMENT NO. 576335
THE BOULEVARD EXTENSION OF TIME - PROJECT NO. 152061

WHEREAS, AMPROP NORTH PARK, LLC, Applicant/Subdivider, and LEPPERT ENGINEERING CORPPARTION, Engineer, submitted an application with the City of San Diego for a three-year extension of time for the previously approved Vesting Tentative Map No. 172036, Public Right-Of-Way Vacation No. 143669 and Easement Abandonment No. 188003 for the construction of 175 condominium units in a six-story building, including onsite affordable units, with mixed-use and commercial/retail space and to waive the requirement to underground existing overhead utilities. The project site is located on the north side of El Cajon Boulevard, between Florida and Alabama Streets in the CL-1 and MR-800B Zones of the Mid-City Communities Planned District, within the Greater North Park Community Plan Area.

WHEREAS, the Map proposes the subdivision of a 1.54 acre site into 175 residential condominium ownerships and two commercial condominium ownerships; and

WHEREAS, the Negative Declaration No. 49662 that was prepared for the original project remains in effect. There are no changes to the project scope and the request for an Extension of Time would not result in any environmental impacts. The activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on _____, 2008, the City Council of the City of San Diego considered Vesting Tentative Map No. 540163, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Section 125.0440 and 144.0240 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 540163:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span, less than a full block in length.
10. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Public Right-of-Way Vacation No. 576332:

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the action through improved use of the land made available by the vacation.
3. The vacation does not adversely affect any applicable land use plan.
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Easement Abandonment No. 576335:

1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.
2. The public will benefit from the action through improved utilization of the land made available by the abandonment.
3. The abandonment is consistent with any applicable land use plan.
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 540163, including the waiver of the requirement to underground existing overhead utilities, Public Right-of-Way Vacation No. 576332, and Easement Abandonment No. 576335 are hereby granted to AMPROP NORTH PARK LLC, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire on April 19, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.

5. The Final Map shall conform to the provisions of Site Development Permit No. 540162.
6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

AFFORDABLE HOUSING

7. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide onsite affordable housing units, which would meet the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

8. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

MAPPING

9. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
10. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
11. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
12. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

13. The Subdivider will be required to design and construct new 12-inch public water facilities within the Alabama Street right-of-way from El Cajon Boulevard to the northerly property boundary, in a manner satisfactory to the Water Department Director and the City Engineer.
14. The Subdivider will be required to design and construct new 12-inch by 12-inch cross connection with appropriate valves and reducers at the intersection of Florida Street and El Cajon Boulevard, in a manner satisfactory to the Water Department Director and the City Engineer.
15. The Subdivider shall provide CC&Rs for the operation and maintenance of any on-site private water facilities that serve or traverse more than a single dwelling unit or common area.
16. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities shall be modified at final engineering to comply with standards.
17. Prior to recordation of the Final Map, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.
18. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, blow offs, valves, fire hydrants, etc.), for all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director.

GEOLOGY

19. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

INFORMATION:

- The approval of this Vesting Tentative Map Extension of Time by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- This development may be subject to payment of a park fee prior to the filing of the Final Map in accordance with San Diego Municipal Code.
- Subsequent applications related to this Vesting Tentative Map would be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON _____, 2008.

By _____

Paul Godwin
Development Project Manager
Development Services Department

Job Order No. 43-0538

Project No. 152601
VTM No. 540163, PROW Vacation No. 576332, EA No. 576335
October 27, 2008

Page 6 of 6

000719

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-0538

SITE DEVELOPMENT PERMIT NO. 540162
EXTENSION OF TIME FOR SITE DEVELOPMENT PERMIT NO. 143667
THE BOULEVARD EXTENSION OF TIME - PROJECT NUMBER 152601
CITY COUNCIL

This Site Development Permit No. 540162, an Extension of Time to Site Development Permit No. 143667, County Recorder's Office Document No. 2005-0963372, dated April 19, 2005, is granted by the City Council of the City of San Diego to AMPROP North Park, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The 1.54 acre site is located on the north side of El Cajon Boulevard, between Florida and Alabama Streets in the CL-1 and MR-800B Zones of the Mid-City Communities Planned District, and within the North Park Redevelopment Project Area and the Greater North Park Community Plan Area. The project site is legally described as Lots 18 through 34, and a portion of Lot 17 in Block 100 of University Heights, Map No. 558, together with those portions of the east 10 feet of Florida Street as vacated and closed to public use on October 19, 1911 by Resolution No. 9635 of the Common Council of the City of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittee to demolish the existing structures and construct 175 units in a 6-story building, including onsite affordable units, with mixed-use and commercial/retail space described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated _____ 2008, on file in the Development Services Department.

The project or facility shall include:

- a. A six-story, 200,044-square-foot building housing 175 residential, condominium units with onsite affordable units, 5,066 square feet of retail, 14,252 square feet of mixed-use area, and 131,531 square feet of garage area on three floors;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. 8,430 square feet of private open areas (balconies), 10,891 square feet of common open areas (terraces), and 3,478 square feet of resident community area;
- d. Off-street parking facilities;
- e. Construction of an enhanced bus stop in accordance with the 1993 Metropolitan Transit Development Board (MTDB) design standards;
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
10. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.
11. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.
12. At all bus stops within the project area, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.
13. Prior to the issuance of the any building permits, the applicant shall construct an enhanced bus stop in accordance with the 1993 Metropolitan Transit Development Board (MTDB) design standards. The bus stop shall be maintained by the condominium home owner's association (HOA).

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

15. As conditions of Site Development Permit No. 540162 and Vesting Tentative Map No. 540163, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration No. 49662 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

16. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

17. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration No. 49662 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be completed to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Noise, Public Health and Safety, Air Quality, Paleontological Resources, and Historical Resources (Archeology).

AFFORDABLE HOUSING REQUIREMENTS:

18. Prior to receiving the first residential building permit, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and the Density Bonus Affordable Housing Requirements pursuant to California Government Code Sections 65915-65918 and San Diego Municipal Code Chapter 14, Article 3, Division 7.

19. The applicant has elected to meet these requirements by selling at least 20% of the pre-density bonus units (27 units) to, and at prices affordable to, median and moderate income households: 13 of the units (4 one-bedroom units and 9 two-bedroom units) shall be affordable to households earning no more than 100% AMI with affordable housing costs not exceeding the product of 35 percent times 100 percent of area median income adjusted for family size appropriate for the unit; and 14 of the units (5 one-bedroom units and 9 two-bedroom units) shall be affordable to households earning no more than 120% AMI with affordable housing costs not exceeding the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit. Prior to receiving the first residential building permit, the applicant must enter into an agreement with the San Diego Housing Commission to assure that the restricted units are built and sold to appropriate households.

20. The applicant may also elect to meet the requirements of the Inclusionary Affordable Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by providing 20 percent of the pre-bonus units (27 units) at rents affordable at 60 percent Area Median Income (AMI) for 55 years (15 one-bedroom units and 12 two-bedroom units); or by

providing 10 percent of the prebonus units (14 units) at rents affordable at 50 percent AMI for 55 years (8 one-bedroom units and 6 two-bedroom units).

ENGINEERING REQUIREMENTS:

21. Prior to the issuance of any construction permit, the Applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. Prior to the issuance of a building permit the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
23. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRC.
24. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.
25. The drainage system proposed for this development is private and subject to approval by the City Engineer.
26. Prior to the issuance of any construction permit the Applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.
27. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
28. Prior to the issuance of any building permits, the applicant shall dedicate, and assure by permit and bond the improvement of the adjacent alley including construction of a new alley apron, satisfactory to the City Engineer.

29. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of the curb with City standard curb and gutter, adjacent to the site satisfactory to the City Engineer.
30. All driveways and curb openings shall comply with City Standard Drawings G-14A , G-16 and SDG-100.
31. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance And Removal Agreement (EMRA), for all private structures proposed in the public right-of-way, including the proposed structural treatment best management practice.
32. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
33. Prior to the issuance of a building permit, the applicant shall assure by permit and bond the replacement of any damaged sidewalk adjacent to the site, satisfactory to the City Engineer.
34. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the reconstruction of existing curb ramps to current City Standards and the construction of new curb ramps at the alley entrance (both sides) adjacent to the site, satisfactory to the City Engineer.
35. Prior to commencing foundation construction, a Geologic Observation Report shall be submitted and approved by the Geology Section of the Development Services Department.

LANDSCAPE REQUIREMENTS:

30. Prior to issuance of any engineering permits for right-of-way improvements, landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
31. Prior to issuance of any engineering permits for grading, construction documents for temporary erosion control including hydroseeding shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit A (including Environmental conditions) on file in the Office of Development Services.
32. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit A, Landscape Development Plan on file in the Office of Development Services.

33. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit A Landscape Development Plan, on file in the Office of Development Services. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as landscaping area.
34. If any required landscape (including existing or new plantings, street trees, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage and prior to issuance of any Certificate of Occupancy.
35. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
36. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

PLANNING/DESIGN REQUIREMENTS:

37. No fewer than 278 automobile spaces (12 accessible), 20 motorcycle spaces, and 85 bicycle off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the San Diego Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.
38. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
39. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.
40. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

41. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
42. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
43. All signs associated with this development shall be consistent with sign criteria established by either of the following:
 - a. Approved project sign plan (Exhibit "A," on file in the Development Services Department); or
 - b. Citywide sign regulations.
44. The applicant shall post a copy of the approved Site Development permit or Vesting Tentative Map in the sales office for consideration by each prospective buyer.
45. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
46. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
47. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
48. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
49. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.
50. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," on file in the Development Services Department.

WASTEWATER REQUIREMENTS:

51. Prior to the issuance of any building permits, the developer shall abandon certain on-site public sewer mains and relocate the sewer mains to the street, satisfactory to the Metropolitan Wastewater Department Director. Any associated public easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
52. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved plans will require modification based on the accepted sewer study.
53. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. Proposed facilities that do not meet the current standards shall be re-designed.
54. No approved structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement or public right-of-way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
55. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
56. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
57. The developer will be required to provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer facilities that serve more than one ownership.

WATER REQUIREMENTS:

58. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch public water facilities within the Alabama Street right-of-way from El Cajon Boulevard to the northerly property boundary, in a manner satisfactory to the Water Department Director and the City Engineer.
59. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new 12-inch by 12-inch cross connection with appropriate valves and reducers at the intersection of Florida Street and El Cajon Boulevard, in a manner satisfactory to the Water Department Director and the City Engineer.

60. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.

61. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director and the City Engineer.

62. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

63. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.

64. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved public rights-of-way, satisfactory to the Water Department Director and the City Engineer. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on _____, 2008, Resolution No. _____.

000729

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Paul Godwin
TITLE: Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**